

**H.R. 3094, "GULF STATES RED  
SNAPPER MANAGEMENT AUTHORITY ACT"**

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**LEGISLATIVE HEARING**  
BEFORE THE  
SUBCOMMITTEE ON WATER, POWER AND OCEANS  
OF THE  
COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES  
ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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Thursday, October 22, 2015

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**LEGISLATIVE HEARING ON H.R. 3094, TO  
AMEND THE MAGNUSON-STEVENS FISHERY  
CONSERVATION AND MANAGEMENT ACT TO  
TRANSFER TO STATES THE AUTHORITY TO  
MANAGE RED SNAPPER FISHERIES IN THE  
GULF OF MEXICO, “GULF STATES RED  
SNAPPER MANAGEMENT AUTHORITY ACT”**

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Thursday, October 22, 2015  
U.S. House of Representatives  
Subcommittee on Water, Power and Oceans  
Committee on Natural Resources  
Washington, DC

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The subcommittee met, pursuant to notice, at 2:00 p.m., in room 1324, Longworth House Office Building, Hon. John Fleming [Chairman of the Subcommittee] presiding.

Present: Representatives Fleming, Gosar, LaMalfa, Graves, Newhouse, Bishop; Huffman, Bordallo, Lowenthal, and Torres.

Also present: Representative Scott.

Dr. FLEMING. The Subcommittee on Water, Power and Oceans will come to order.

The subcommittee meets today to hear testimony on H.R. 3094. Opening statements at today's hearing are limited to the Chairman, the Ranking Minority Member, the Vice Chair, and a designee of the Ranking Member. The bill's sponsor will also have an opportunity to provide an opening statement on his bill. This will allow us to hear from our witnesses sooner.

Parenthetically, we expect votes in about an hour, so we will probably have to recess for one vote series, and then we will continue the hearing.

At this time, I yield myself some time for an opening statement.

**STATEMENT OF THE HON. JOHN FLEMING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA**

Dr. FLEMING. Today, the subcommittee will conduct a hearing on H.R. 3094, the “Gulf States Red Snapper Management Authority Act.” Since our hearing in December 2014, while there have been several major developments related to the policies governing the fishery, not much has changed in terms of outcome. The Gulf of Mexico red snapper fishery is still a mess. The status quo is unsustainable, which leads us to the bill before us.

Let's start by looking at a bit of context. The red snapper fishery is a key economic driver for many Gulf communities. Private anglers contribute to a growing support industry that includes everything from boat building to tackle shops. The charter for-hire boats make use of that economic infrastructure as well, but also bring in tourism dollars. Finally, commercial fishermen deliver their

product throughout the Nation, and also contribute to tourism, as award-winning chefs use commercially caught fish in culinary masterpieces.

Leaving aside the economic benefits, these are large, beautiful, and tasty fish that are prized by fishermen and consumers alike. Anyone who has been on the water, or even just witnessed the impressive catches in photographs, can understand the allure of catching red snapper.

This fishery once supported a 180-day recreational season. Despite rebuilding success, recreational seasons have been drastically shortened over time. Even after quotas were adjusted upwards to account for a larger-than-expected stock assessment, private anglers got only a 10-day season in Federal waters for 2015. These shortened seasons have real consequences in the economies of coastal parishes and counties.

I understand the ongoing and increasing frustrations of the recreational fishing community. We have held hearings in this committee on how NOAA counts fish where they do not live, and neglects where they do. We have also looked at some of the state data collection programs, like LA Creel, and how they are superior to NOAA's data collection; but NOAA does not incorporate the data from their states.

This is a controversial topic, with the recreational, charter, and commercial sectors all competing for a share of a growing, but still rebuilding, resource. We will hear from all of those interests today, and I am glad to have that dialog.

I am hopeful that we can continue that dialog to find a solution that everyone can live with. It is critical that we ensure plenty of fish for future generations, and that we are exercising responsible stewardship over the resource.

H.R. 3094 would transfer management of the red snapper fisheries from the Gulf of Mexico Fishery Management Council to a newly created Gulf States Red Snapper Management Authority. The bill's sponsor pointed to the Atlantic Striped Bass Conservation Act and the Dungeness Crab Management Act as precedents, and I look forward to examining the similarities and the differences with those management schemes.

The states have made a lot of progress in shaping this plan since the hearing last year. But there are a few outstanding questions: how will Federal enforcement work in these newly designated state waters for a state-managed plan, how will disputes between the states be settled, and how can all of Louisiana's economic and cultural interests best be protected.

While we hope to find answers to these questions today and in the coming weeks, it is still clear that something has to change to allow the recreational community better access to this important resource.

I want to thank all the witnesses for coming to testify and share their expertise and passion on this issue. I hope that we can have a productive dialog that leads to a solution.

[The prepared statement of Dr. Fleming follows:]

PREPARED STATEMENT OF THE HON. JOHN FLEMING, CHAIRMAN, SUBCOMMITTEE ON  
WATER, POWER AND OCEANS

Good morning. Today, the subcommittee will conduct a hearing on H.R. 3094, the "Gulf States Red Snapper Management Authority Act."

Since our hearing in December of 2014, while there have been several major developments related to the policies governing the fishery, not much has changed in terms of outcome. The Gulf of Mexico red snapper fishery is still a mess. The status quo is unsustainable, which leads us to the bill before us.

Let's start by looking at a bit of context.

The red snapper fishery is a key economic driver for many Gulf communities. Private anglers contribute to a growing support industry that includes everything from boat building to tackle shops. The charter-for-hire boats make use of that economic infrastructure as well, but also bring in tourism dollars. Finally, commercial fishermen deliver their product throughout the Nation, and also contribute to tourism as award winning chefs use commercially caught fish in culinary masterpieces.

Leaving aside the economic benefits, these are large, beautiful, and tasty fish that are prized by fishermen and consumers alike. Anyone who has been on the water or even just witnessed the impressive catches in photographs can understand the allure of catching red snapper.

This fishery once supported a 180-day recreational season. Despite rebuilding success, recreational seasons have been drastically shortened over time. Even after quotas were adjusted upwards to account for a larger-than-expected stock assessment, private anglers got only a 10-day season in Federal waters for 2015. These shortened seasons have real consequences in the economies of coastal parishes and counties.

I understand the ongoing and increasing frustrations of the recreational fishing community. We've held hearings in this committee on how NOAA count fish where they don't live and neglect where they do. We've also looked at some of the state data collection programs, like LA Creel and how they are superior to NOAA's data collection, but NOAA does not incorporate the data from the states.

This is a controversial topic, with the recreational, charter, and commercial sectors all competing for a share of a growing—but still rebuilding—resource. We will hear from all of those interests today, and I'm glad to have that dialog. I'm hopeful that we can continue that dialog to find a solution that everyone can live with.

H.R. 3094 would transfer management of the red snapper fisheries from the Gulf of Mexico Fishery Management Council to a newly created Gulf States Red Snapper Management Authority. The bill's sponsor has pointed to the Atlantic Striped Bass Conservation Act and the Dungeness Crab Management Act as precedents, and I look forward to examining the similarities and differences with those management schemes.

The states have made a lot of progress in shaping this plan since the hearing last year. But there are a few outstanding questions, such as how Federal enforcement will work in state waters for a state managed plan, how disputes between the states will be settled, and how all of Louisiana's economic and cultural interests can best be protected.

While we hope to find answers to these questions today and in the coming weeks, it is still clear that something has to change to allow the recreational community better access to this important resource.

I want to thank all the witnesses for coming to testify and share their expertise and passion on this issue. I hope that we can have a productive dialog that leads to solutions.

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Dr. FLEMING. The Chairman now recognizes the Ranking Member, Mr. Huffman, for his opening statement.

**STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. HUFFMAN. Thank you and good afternoon, Mr. Chairman.

In terms of complexity, divisiveness, and potentially contentiousness, the issue of managing Gulf of Mexico red snapper must be second only to California water in terms of tough issues that come before this committee. So I understand what

Congressman Graves is up against, and I applaud him for taking on such a politically challenging problem.

I also appreciate his willingness to come to me before the hearing to discuss his legislation and offer to work across the aisle to address concerns that I and many other Democrats on our staff have about this bill.

Based on some of the provisions in the bill, and also a very strong opposition that the recreational charter captains, commercial fishermen, seafood processors, and restaurant industry have voiced about H.R. 3094, it is clear to me this bill, in its current form, is not ready to proceed.

However, I do think an honest and open dialog makes it more likely that we could reach a bill that could be broadly supported down the road. I intend to work with Mr. Graves, if he is up for that, to see if a more careful, consensus-based approach could achieve the Magnuson Act's goal of fully rebuilding these stocks and preventing overfishing, while also addressing Mr. Graves' concern about providing more flexibility and management authority to the Gulf states.

This may seem like a hyper-regional issue. But, in fact, the red snapper debate has implications that reach far beyond the Gulf of Mexico to consumers all over the United States: anyone who enjoys wild, sustainable Gulf seafood.

Just as importantly, it raises questions about whether we should throw back the effective, scientifically sound, and regionally-based system of fisheries management established under the Magnuson Act, or keep it, and allow it to continue rebuilding fisheries like the red snapper, which have been decimated by overfishing in the past.

Some have argued that, since we recently passed legislation to permanently remove the West Coast Dungeness crab fishery from Federal management, that it is only fair to do the same for red snapper. I just want to speak directly to that, because the truth is red snapper and Dungeness crab are really apples and oranges when we talk about these management choices.

Even when you put aside the significant disparities in the stock health between these two species, fishing pressure, user conflict, the history of management, it is impossible to ignore the fact that the Tri-State Dungeness Crab Management Agreement is the result of years of negotiation that took place with all fishery stakeholders at the table.

Further, in the case of Dungeness crab, the Pacific Fishery Management Council can still step in at any point and establish a fishery management plan that would supersede the plan put forward by the states, if it elected to do so. So, there are very important distinctions between these two species and the management choices we face, and also between what has been proposed with the Tri-State Commission on Dungeness Crab and what is being proposed in the current draft of H.R. 3094.

This is a bill that was not developed with input from all fishing sectors that have an interest in red snapper. It is not supported by commercial and charter fleets, that account for more than two-thirds of red snapper harvests. These fleets, and the other tourism and seafood industry businesses that they support, depend on healthy stocks and stable, predictable management. Right now,

they have both; but it is difficult to see how they would have either under a state plan that lacks safeguards to prevent overfishing, and could allow massive resource reallocation.

I believe there is a path that would lead to increased state autonomy in managing the recreational side of the red snapper fishery. I think that is possible. But the path should not be one that picks winners and losers, and stacks the deck against people who make their living on the water and who have taken significant steps toward making their fishing operations sustainable and accountable.

Instead, it ought to incorporate the views of private boat anglers, charter boat captains, commercial fishermen, seafood processors, the restaurant and tourism industries, and the conservation community. I look forward to hearing from some of those voices today; and I view this hearing as the beginning, hopefully, of a discussion on how we allow greater access to the red snapper fishery, while ensuring that this important, and still overfished, stock continues to rebuild.

I am also aware that the Gulf Council is beginning similar discussions, and is considering using its authority under the Magnuson Act to develop a regional management plan for red snapper. I hope that Mr. Risenhoover can give us an update on the status of that process, as well as other Council actions that address this issue. I thank you for the time, and yield back, Mr. Chairman.

[The prepared statement of Mr. Huffman follows:]

PREPARED STATEMENT OF THE HON. JARED HUFFMAN, RANKING MEMBER,  
SUBCOMMITTEE ON WATER, POWER AND OCEANS

On the list of topics that most members of this committee are not particularly excited to discuss, Gulf of Mexico red snapper has to be near the top—perhaps second only to California water. So I understand what Congressman Graves is up against, and I applaud him for taking on such a politically challenging problem.

I also appreciate his willingness to come to me before the hearing to discuss his legislation and offer to work across the aisle to address our concerns. The strong opposition that recreational charter captains, commercial fishermen, seafood processors, and the restaurant industry have voiced to H.R. 3094 signals to me that this bill in its current form is not the solution, but an open and honest dialog makes it more likely that we can reach one down the road.

While this may seem like a hyper-regional issue, the red snapper debate actually has implications that reach far beyond the Gulf of Mexico to consumers throughout the United States who enjoy wild, sustainable Gulf seafood. Just as importantly, it raises questions about whether we should throw back the effective, scientifically sound, and regionally-based system of fisheries management established under the Magnuson-Stevens Act, or keep it, and allow it to continue rebuilding fisheries like red snapper which have been decimated by overfishing in the past.

Some have argued that since we recently passed legislation to permanently remove the West Coast Dungeness crab fishery from Federal management, it is only fair to do the same for red snapper. But red snapper and Dungeness crab are a lot like apples and oranges: you can eat both, but they are very different. Even when you put aside the significant disparities in stock health, fishing pressure, and user conflict, it is impossible to ignore the fact that the Tri-State Dungeness Crab Management Agreement is the result of years of negotiations that took place with all fishery stakeholders at the table. Further, in the case of Dungeness crab, the Pacific Fishery Management Council can step in at any point and establish a Fishery Management Plan that would supersede the plan put forth by the states, if it elects to do so.

The current draft of H.R. 3094, on the other hand, was not developed with input from all fishing sectors with an interest in red snapper, and is not supported by commercial and charter fleets that account for more than two-thirds of red snapper harvest. These fleets, and the other tourism and seafood industry businesses they support, depend on healthy stocks and stable, predictable management. Right now

they have both, but it is difficult to see how they would have either under a state plan lacking safeguards to prevent overfishing and massive resource reallocation.

I believe that a path to increased state autonomy in managing the recreational side of the red snapper fishery is possible. But that path should not be one that picks winners and losers, and stacks the deck against people who make their living on the water and who have taken significant steps toward making their fishing operations sustainable and accountable. Instead, it should incorporate the views of private boat anglers, charter boat captains, commercial fishermen, seafood processors, the restaurant and tourism industries, and the conservation community.

I look forward to hearing from some of those voices today, and I view this hearing as the beginning of a discussion on how we allow greater access to the red snapper fishery while ensuring that this important—and still overfished—stock continues to rebuild. I am also aware that the Gulf of Mexico Fishery Management Council is beginning similar discussions, and considering using the authority it already has under the Magnuson Act to develop a regional management plan for red snapper. I hope Mr. Risenhoover can give us an update on the status of that process, as well as on other Council actions to address this issue.

I yield back.

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Dr. FLEMING. The gentleman yields back. I thank the Ranking Member.

At this time I would like to ask unanimous consent that Mr. Scott sit in with us today.

[No response.]

Dr. FLEMING. Hearing no objection, so ordered.

The Chairman now yields to the Vice Chair, Dr. Gosar, for his statement.

**STATEMENT OF THE HON. PAUL A. GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Dr. GOSAR. Thank you, Mr. Chairman; and thank you for holding today's hearing.

Although Arizona is not known as being the fishing capital of the world—

[Laughter.]

Dr. GOSAR [continuing]. We do have world-class fisheries, thanks to hatcheries and cold water stored behind our dams. Arizona also has an excellent Department of Game and Fish to manage those fisheries and wildlife for current and future generations of sportsmen and women.

State and local expertise is paramount when it comes to understanding how management of our resources impacts those on the ground or in the water. Generally, these management entities are closer to those affected, understand the resources, and can make real-time, informed decisions better than a Federal desk jockey.

Today's legislation is based on the premise of state expertise and management. The fisheries managers in these five Gulf states have a firsthand understanding of the red snapper resource, and are asking to take over what is now a Federal responsibility. I generally support this concept, and voted for it earlier this year, as a way to move a resolution forward. But there are still some questions.

For example: why should Arizonans continue to pay for a management scheme that would be turned over to the states? In addition, 22 congressional districts line the Gulf Coast, but we need to ensure that the remaining 413 other congressional districts who

rely on Gulf seafood availability are not negatively impacted by this bill.

These are just some of the questions that I hope are answered today and in the forthcoming weeks. I look forward to working with my colleagues on this well-intentioned proposal, and I yield back the balance of my time, Mr. Chairman. Thank you.

[The prepared statement of Dr. Gosar follows:]

PREPARED STATEMENT OF THE HON. PAUL GOSAR, VICE-CHAIR, SUBCOMMITTEE ON WATER, POWER AND OCEANS

Thank you for holding today's hearing.

Although Arizona is not known as being the fishing capital of the world, we do have world class trout fisheries thanks to hatcheries and the cold water stored behind our dams. Arizona also has an excellent Department of Game and Fish to manage these fisheries and wildlife for current and future generations of sportsmen and women.

State and local expertise is paramount when it comes to understanding how management of our resources impacts those on the ground or in the water. Generally, these management entities are closer to those affected, understand the resources and can make real-time and informed decisions better than a Federal desk jockey.

Today's legislation is based on the premise of state expertise and management. The fisheries managers in the five Gulf states have a firsthand understanding of the red snapper resource and are asking to take over what is now a Federal responsibility.

I generally support this concept and voted for it earlier this year as a way to move a resolution forward, but there are still some questions. For example, why should Arizonans continue to pay for a management scheme which would be turned over to the states? In addition, 22 congressional districts line the Gulf Coast, but we need to ensure that the remaining 413 other congressional districts who rely on Gulf seafood availability are not negatively impacted by this bill.

These are questions that I hope are answered today and in the forthcoming weeks. I look forward to working with my colleagues on this well-intentioned proposal and yield back my time.

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Dr. FLEMING. The gentleman yields back.

The Chair now recognizes the bill's sponsor, Mr. Graves, for his statement.

**STATEMENT OF THE HON. GARRET GRAVES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA**

Mr. GRAVES. Thank you, Mr. Chairman. I really want to get into the hearing, but will just briefly say that when I was growing up, access to the red snapper fishery was significantly different than it is today. I think both of you indicated in your opening statements that you recognize that there are problems with the current management regime.

Again, growing up, you virtually had access, from a recreational perspective, to the red snapper fishery year-round; whereas, as I think most of you know, last year it was relegated to 9 days; this year, relegated to 10 days of access.

There are fundamental problems with the current management regime, access, and the prevention of folks to access the fishery, but, importantly, to ensure that the access on both the commercial and also on the charter side is based upon proper management.

Louisiana is known as a sportsman's paradise. There is no one here who, I think, has a desire to have the Gulf of Mexico red snapper, or anything else, be overfished. There have been suggestions that the bill is designed to work in the favor of the recreational

industry to the detriment of the commercial side, or charter, or otherwise. It is simply not true.

As a matter of fact, Mr. Huffman—and I want to thank you for your opening comments—I want it to be known that I repeatedly reached out to folks on the other side of this and asked for their input in the bill, as we were drafting it, and received nothing.

I also think it is important to make note, and want to be fair, that Stan Harris of the Louisiana Restaurant Association has been in touch with me, as well as some folks in the recreational industry, within the last few months. There have been, from what I appreciate, to be some constructive dialog; but I think it is important to note that we did reach out and tried to find some type of middle ground.

There have been suggestions, again, that the bill is going to work to the detriment of the commercial side. I am not sure where that is coming from. As a matter of fact, there were safeguards only put in on the commercial side. If they are not the right safeguards, then perhaps the industry engaging could have provided us and informed us of some ideas that would have been more helpful, as opposed to me sitting in a vacuum, trying to come up with good ideas, trying to protect the industry.

There have been suggestions that the management regime contemplated in the bill would only work to reduce the commercial side. I also want to be clear there. There is absolutely nothing in the bill that suggests that. Just as the access for any side could potentially be managed down, based upon the informational science, it could also go up.

The problem that we see right now is that the science is far less than accurate. As the Chairman noted, the LA Creel study that Secretary Barham and his folks have been working on, has much better science, as was acknowledged in previous hearings in this committee, than any other science that the Feds are putting together.

There was a study that was recently released that indicated that 82 percent of private boat owners in the Gulf of Mexico support the idea of state-based management, and 72 percent of the federally-licensed charter boat captains also support that. I want to be clear on that, because there has been a lot of distorted information which I cannot wait to set the record straight here today. Seventy-two percent of the federally-licensed charter boat captains, according to this survey, also support state-based management.

Last, I will say this. The five Gulf of Mexico states agree upon very little. We could not even sit Secretary Wiley and Secretary Barham next to each other.

[Laughter.]

Mr. GRAVES. But the five Gulf states came together, recognizing there was a problem here. They came together and proposed a solution. It has been out there since March. I have not seen—again, this has been out there since March. Our bill was first being discussed prior to that. I have not seen any alternative put forth that would recommend a better approach, while everyone here recognizes that there are fundamental problems with the management structure.

So, I look forward to setting the record straight, Mr. Chairman, on a number of these issues as we go forward, and very much look forward to engaging some of the witnesses.

I need to introduce—I don't know if I should—can I introduce Secretary Barham now, or should I wait?

Dr. FLEMING. Sure, go ahead.

Mr. GRAVES. OK. I just want to make note that Secretary Barham and I had the chance to work together for a number of years. He is a fantastic man, although you will note from his accent that he is actually a Yankee from north Louisiana.

[Laughter.]

Mr. GRAVES. Mr. Chairman, I would urge that you consider, once you hear this man speak—

Dr. FLEMING. Coming from north Louisiana, I take issue with that.

[Laughter.]

Mr. GRAVES. So there are a couple of you all here. Once you hear him speak, though, I think that perhaps you should reconsider the 5-minute rule, and instead allow people to speak based upon the number of words they can get out, because Secretary Barham takes about three times as long to say things as other people. So, I think you might want to consider raising his time to 15 minutes, as opposed to the 5.

But a fantastic man, and looking very forward to all of your testimony. Thank you.

Dr. FLEMING. The gentleman yields back. And at this time the Chair would like to introduce our first panel of witnesses.

Mr. Robert Barham, Secretary, Louisiana Department of Wildlife and Fisheries from Baton Rouge; Mr. Alan Risenhoover—did I say that correctly?—Director of the Office of Sustainable Fisheries for NOAA from Silver Spring, Maryland; Mr. Nick Wiley, Executive Director of the Florida Fish and Wildlife Conservation Commission from Tallahassee, Florida.

Let me remind witnesses that, under our Committee Rules, you must limit your statements to 5 minutes. The light system, which I think most of you are familiar with, is that you will be under a green light for 4 minutes. For the last minute, you will be under a yellow light, the caution light. When it hits red, we ask you to quickly conclude. I promise you every word in your statement, even if it has 10,000 words, will be entered into the record. So we will get everything that you have to tell us today.

The Chair now recognizes Mr. Barham, Secretary, Louisiana Department of Wildlife and Fisheries, to testify for 5 minutes, sir.

Mr. Barham, do you have your microphone on? Is it on?

Mr. BARHAM. Yes.

Dr. FLEMING. Be sure it is pulled closer to you. Yes, there you go. It is hard to hear you if your mouth is not close to the tip of the microphone—

Mr. BARHAM. OK.

Dr. FLEMING. Very good. Much better.

**STATEMENT OF ROBERT BARHAM, SECRETARY, DEPARTMENT OF WILDLIFE AND FISHERIES, STATE OF LOUISIANA, BATON ROUGE, LOUISIANA**

Mr. BARHAM. Mr. Chairman, it is an honor for me to be here, and I will try to talk more rapidly. My colleague, Nick Wiley, from Florida, is here, and we are in support of H.R. 3094. Nick is not sitting beside me because he is mad at me. He has not gotten over the Florida game with LSU last weekend, and he wants to sit as far away as he can.

[Laughter.]

Mr. BARHAM. Mr. Chairman, we are here because we can do a better job. The fisheries management by the Federal Government is not a good one, especially as it relates to red snapper in the Gulf. It has been stated as to fishing days, we have been cut down now to 10 days. That is really, Mr. Chairman, a ridiculous proposal.

In assessing a resource like the snapper, it is about having the correct numbers, and they are just not getting those numbers. They do not have a protocol and a system where they are properly assessing the population in the Gulf or the locations of those populations. These are not migratory fish, they are territorial fish. We know where they are.

We put in, as they mentioned, the LA Creel program, where we scan the state and pick out all the big docks where recreational fishermen come in, and we literally send biologists to every one of them during the snapper season to count the fish.

We also pull the bone behind the brain of a fish, where we can age those fish. The Feds are not doing that, so we have information not only as to population, but weights, sizes, and numbers.

We are certainly more responsive to changes in that population, and would react quicker than the Federal Government. The Gulf Council meets five times a year. Our Commission meets every month. And I would have the authority within 72 hours to close a fishery, and it would be in our interest. We are not about to damage those fish.

I would like to make a point in response to the Congressman who said that the charter-for-hire folks are against this. That is not so in Louisiana. We polled every one of our charter captains and got a response from nearly two-thirds of them. Of those that responded, over 70 percent are in favor. They know we will do a better job in Louisiana.

So, as we look at it, we also are and want to be aware of the opposition. I think the opposition is fearful of any change. It would be counterproductive for me to damage one sector of my fisheries in Louisiana in favor of another one. Commercial fishing in Louisiana is a huge industry, and a very successful one.

Louisiana is second only to Alaska in the production of commercial fish. Of the 1.4 billion pounds of commercial fish produced in the Gulf, Louisiana produces over a billion pounds of that 1.4 billion. We have over 30,000 jobs of people who depend on the commercial industry. If I did something to damage that industry, I would be gone very quickly. It is never my intention. I think the commercial folks will be better off if I am doing the assessment, because we will do a better job of telling what those stocks are.

We will move forward with managing the fisheries. We will provide the information. Again, I would say to you that we will do a better job. I am available for any questions that you might have today.

I would add one comment to the Congressman from Arizona. I appreciate what you say about Arizona being nervous about sending their money to Louisiana. If that turns out to be the stumbling block to this bill passing, do not send me a dime. Just give me the authority to manage those fisheries. I will do a better job.

[The prepared statement of Mr. Barham follows:]

PREPARED STATEMENT OF ROBERT BARHAM, SECRETARY, LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

Thank you, Mr. Chairman, for the opportunity to speak on behalf of Louisiana's fishing community before the U.S. House of Representatives' Committee on Natural Resources, Subcommittee on Water, Power and Oceans to present information on H.R. 3094, the Gulf States Red Snapper Management Authority Act.

Red snapper is an iconic American fish—it is well-known and appreciated by both residents and visitors of Louisiana and the other Gulf states, whether it is on a diner's plate at one of our fine restaurants or on the end of an angler's line. Both commercial and recreational fisheries for red snapper are extremely important to our economy and way of life. We should take great care in managing these fisheries for the benefit of all users. We should strive to have sound data to guide our management decisions and seek out solutions to ensure our fisheries are ecologically and economically sustainable.

As such, we are especially troubled with the current management of Gulf red snapper, namely management of the recreational fishery, as it continues to face challenges due to inadequate data and an inflexible, unresponsive management framework. H.R. 3094 would address these challenges. Along with our colleagues in Texas, Mississippi, Alabama, and Florida, the Louisiana Department of Wildlife and Fisheries (LDWF) is confident the five Gulf states have the necessary tools to provide the data needed to better manage Gulf red snapper fisheries. We are able to be more receptive and responsive to the wants and needs of all of our constituents while still addressing Gulf-wide conservation goals.

There are several misconceptions about the intentions and impacts of H.R. 3094 that I would like to address. First of all, H.R. 3094 is by no means an attempt to change or eliminate the commercial red snapper fishery in the Gulf in favor of the recreational fishery. Again, both commercial and recreational fisheries are vital to the Gulf's economy and way of life. Together, the Gulf states' commercial fisheries are the 2nd largest and 2nd most valuable fisheries in the United States after Alaska, producing nearly 1.4 billion pounds and \$746 million of seafood and supporting more than 75,000 jobs in 2012. Of this, Louisiana accounts for nearly 1 billion pounds and \$300 million of seafood. Our commercial fisheries are the 2nd largest and 4th most valuable in the United States and support more than 30,000 jobs. More than 3 million recreational fishermen fish in the Gulf every year, providing a multi-billion dollar economic impact. In Louisiana alone, close to 900,000 recreational fishermen fish our waters, with a couple billion dollar economic impact. (All data is NOAA Fisheries 2012 data, the most recent year for which both landings and economic data are available.)

The primary purpose of H.R. 3094 is to fix how the recreational red snapper fishery is managed. The current "one-size-fits-all" management approach works fairly well for the commercial fishery but is impractical for the diverse recreational fishery. The goal of H.R. 3094 is to ensure fair and equitable access to the red snapper resource and create a management system that is responsive to all stakeholders, both commercial and recreational. H.R. 3094 would improve access for the recreational fishery while preserving a viable commercial fishery. In fact, H.R. 3094 locks in the current commercial management system, leaves the commercial quota unchanged for at least 3 years, and requires the Gulf of Mexico Fishery Management Council (Gulf Council) to approve any significant reduction to the commercial quota thereafter.

The state-based management of Federal species proposed by H.R. 3094 is not unprecedented under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Similar management structures have already been implemented to varying degrees in fisheries from the East Coast to Alaska. H.R. 3094 would require the Gulf states' fishery management plans to be as consistent with the MSA's standards

and requirements as possible. In fact, H.R. 3094 has the same goals as Federal management, but the means to reach those goals recognize that one size does not fit all. There are regional differences both in populations of snapper and in fisheries (local tradition, practice, etc.). H.R. 3094 would allow the Gulf states the flexibility to manage the fisheries in their waters in different ways, which is impossible under the current management system.

H.R. 3094 would ensure accountability in the recreational red snapper fishery. In the past, recreational fishermen have exceeded their fishing quotas despite following seasons and other regulations designed to prevent overfishing. Quota overages are due to failure of recreational data collection and inflexible fishery management. H.R. 3094 would address these issues. Among other things, H.R. 3094 calls for more precise and timely recreational data collection, five independent and ongoing evaluations of the fishery every year (rather than treating red snapper as one stock, fished one way), quotas based on stock assessments, and accountability measures to ensure states respond immediately to overfishing (for example, closing the fishery in a non-compliant state).

The Gulf states have already taken action to improve recreational data collection and are using better data to inform management, and anglers have supported these efforts. In Louisiana, anglers supported a license fee increase to fund a new and improved recreational landings data collection program (LA Creel). Near-real-time data from LA Creel has allowed Louisiana to extend the state's recreational red snapper season by hundreds of days and still not exceed fishing quotas, creating a win-win situation for all—an accountable fishery, flexible and responsible management of seasons, and increased fishing opportunities.

Moving management from the Gulf Council's 17 members to the five state directors would make managers more accessible and management more efficient. Through H.R. 3094, fishermen and other stakeholders would have a major role in developing specific management strategies through each state's existing legislative and regulatory processes, commission meetings, various committees and task forces, public outreach meetings, and surveys. H.R. 3094 would make it easier for the public to participate in the management process through more local and more convenient outlets. In addition, state managers can be more responsive to the needs of the resource and the users of the resource. The Gulf Council only meets five times a year and must work through an extremely slow Federal management process. In Louisiana, our Wildlife and Fisheries Commission meets once a month; the Secretary of LDWF is able to enact emergency management measures within 72 hours.

States should be allowed to manage the fisheries off their coast in a manner that best benefits the fishery and their state's fishermen, and the Gulf states are fully capable of doing so. H.R. 3094 acknowledges the Gulf states' abilities to responsibly manage this important fishery. The Gulf states already are responsible for numerous major commercial and recreational fisheries and have proven themselves effective stewards of both state- and federally-managed species. We cooperatively share management for several species with other states and meet regularly through the Gulf States Marine Fisheries Commission to discuss issues and standardize data. We have a long track record of no overfished stocks and no overfishing, including several species such as black drum, catfish, sheepshead, and spotted seatrout which all support major commercial and recreational fisheries.

In closing, we would like Congress to consider our concerns and support this viable alternative to the current management framework, removing red snapper from Federal authority and placing responsibility for this valuable species in the capable hands of the Gulf states' marine fisheries authorities. We have mutually agreed upon and unanimously support H.R. 3094.

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Dr. FLEMING. Thank you, Mr. Barham.

The Chair now recognizes Mr. Alan Risenhoover, Director of the Office of Sustainable Fisheries at NOAA, to testify. You have 5 minutes, sir.

**STATEMENT OF ALAN RISENHOOVER, DIRECTOR, OFFICE OF SUSTAINABLE FISHERIES, NOAA NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MARYLAND**

Mr. RISENHOOVER. Good afternoon, Chairman Fleming, Ranking Member Huffman, and members of the subcommittee.

Dr. FLEMING. I think we have the same problem with the microphone. Make sure—very good.

Mr. RISENHOOVER. My name is Alan Risenhoover, and I am the Director of NOAA Fisheries Office of Sustainable Fisheries.

The Administration does not have an official position on H.R. 3094. I do want to talk about some of the underlying issues, potential solutions, and how NOAA Fisheries and the Gulf Councils are working with the states to improve red snapper management.

The health of the Gulf of Mexico red snapper fishery has been a concern for decades. The first rebuilding plan, established in 1990, set a date of ending overfishing by 2010 and rebuilding the population by 2032. Assessment results in 2009, 2013, and 2015 confirmed that we have ended overfishing, but the stock remains overfished.

Many fishermen echoed the assessment findings, saying they are seeing more and larger red snapper. Data indicates that catches are increasing both closer to shore and along the west coast of Florida, and as far south as the Florida Keys.

As a result of this success, the 2015 quota was set at a historically high level of 14.3 million pounds—over 3 million pounds higher than the 2014 quota. The red snapper biomass is estimated at 60 million metric tons, more than half of the final rebuilding target.

While these are significant improvements, rebuilding is not yet complete. It is critically important that we rebuild the older age classes because they produce more eggs and spawn more frequently than younger fish. Even though fishermen, state and Federal fishery managers, and scientists all agree that the population is making a remarkable recovery, there is also widespread agreement that there are real challenges ensuring that the rebuilding benefits are fairly and equitably distributed among all user groups.

The commercial sector is managed through a successful individual fishing quota program. The average ex-vessel value of those fish are 44 percent higher than when that program began. Red snapper are now harvested year-round in the Gulf.

However, higher catch rates, larger fish, and longer state seasons are causing the recreational sector to reach its catch limits more quickly. As a result, higher quotas have not increased fishing days for both private anglers and the for-hire fleet in Federal water. Because of these short seasons, the Gulf Council is considering options to provide the states and the recreational community greater flexibility, while still meeting Gulf-wide conservation goals.

The Council recently approved an amendment which, if implemented, will also increase the portion of the quota allocated to the recreational sector from 49 percent upwards to 51.5 percent. All Gulf states have expressed support for regional management, but they have had some difficulty coming to an agreement on a fair and equitable methodology for allocating the recreational quota among the states. As a result, the Council has not yet finalized a management strategy.

Recently, though, the Council did identify a state-specific methodology which divides the quota among the states. The Council is currently taking comment on that through a series of nine public hearings throughout the Gulf. While NOAA Fisheries has not

taken a final position on the Council's proposal, we support regional management in concept as a way to resolve current challenges. It would stabilize the recreational sector.

We believe the best way to develop an effective regional management strategy that withstands the tests of time and is adaptive is through the Council process. The Magnuson-Stevens Act established a robust process to ensure fishery management decisions are developed from the bottom up, are stakeholder-based, transparent, and consistent with all applicable law.

We must also continue our work with the states to develop data collection methods that we all agree are appropriate and produce reliable data. Pilot studies are ongoing in several states at this time, and our goal remains a standardized approach and one set of future catch estimates.

In conclusion, we have made great progress in rebuilding the Gulf of Mexico red snapper population. We must now work to ensure that all aspects of the fishery are able to meet the needs and demands of both current and future generations.

Thank you for the opportunity to testify today. I am available to answer any questions.

[The prepared statement of Mr. Risenhoover follows:]

PREPARED STATEMENT OF ALAN RISENHOOVER, DIRECTOR, OFFICE OF SUSTAINABLE FISHERIES, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

#### INTRODUCTION

Good morning Chairman and members of the subcommittee. I appreciate the opportunity to speak with you today about red snapper management in the Gulf of Mexico. My name is Alan Risenhoover and I am the director of the Office of Sustainable Fisheries at the National Marine Fisheries Service (NMFS) within the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce (DOC). From daily weather forecasts, severe storm warnings, and climate monitoring to fishery management, coastal restoration, and supporting marine commerce, NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product. NOAA's dedicated scientists use cutting-edge research and high-tech instrumentation to provide citizens, planners, emergency managers, and other decisionmakers with reliable information they need when they need it.

Today, I will describe the current status of red snapper in the Gulf of Mexico and the benefits fishermen and fishing communities are realizing from rebuilding efforts, as well as the ongoing challenges we face in ensuring those benefits are equitably distributed between all user groups. Also, I will describe the status of the Gulf of Mexico Fishery Management Council's (Gulf Council) work to develop a regional management strategy for the recreational sector and NMFS' views on the hallmarks of a successful regional management strategy.

#### HISTORICAL POPULATION TRENDS

Fishermen have harvested red snapper from the Gulf of Mexico since the mid-1800s, more than a century before the first Federal fishery management measures were established in 1984. Currently, this species is one of the most popular and studied in the Gulf of Mexico, and NMFS has conducted 10 population assessments since the late 1980s. The first assessment, conducted in 1988, concluded the population was overfished and undergoing overfishing, meaning there were too few fish in the water to maximize catches over the long term and fish continued to be removed from the population at too high a rate. Six assessments conducted in the 1990s confirmed that conclusion, suggesting conservation measures such as minimum size limits, commercial trip limits, and daily recreational bag limits implemented to end overfishing and rebuild the population, as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; P.L. 94-265) were not sufficient. A congressionally-mandated independent peer review of the scientific and management basis for red snapper management, completed in 1997, also echoed these findings.

## STATUS OF REBUILDING EFFORTS

The Gulf Council implemented the first red snapper rebuilding plan in 1990, but has modified the rebuilding schedule and goals several times in response to new scientific information. A rebuilding plan is a strategy used to manage catch levels over a specified time period so that an overfished population can increase in size to a target level.

The current red snapper rebuilding plan was designed to phase out overfishing between 2009 and 2010 and rebuild the population by 2032. The time frame to rebuild overfished populations varies depending on the status and biology of the overfished species. The red snapper rebuilding schedule is lengthy because red snapper is a long-lived species, reaching more than 50 years of age, and was severely overfished for many decades.

Substantial changes to the plan, as implemented in 2007, were informed by a 2005 population assessment and followed a court ruling on a lawsuit filed by the Coastal Conservation Association, Ocean Conservancy, and Gulf Restoration Network. The court found previous rebuilding measures to be insufficient to rebuild the population on schedule. These changes reduced the combined (commercial and recreational) red snapper catch limit by 45 percent from 9.12 million pounds to 5.0 million pounds; reduced the recreational bag limit from four to two fish to slow the rate of catch; reduced the commercial minimum size limit from 15 inches total length to 13 inches total length to reduce regulatory discards in that fishery; and specified a maximum level for shrimp fishing effort which, if exceeded, would trigger area closures to minimize the incidental take of red snapper in shrimp trawls.

Also in 2007, the commercial red snapper sector moved to an individual fishing quota program (IFQ), which allocates participating fishermen a percentage of the commercial annual catch limit based on their landings history. The IFQ program is intended and has been demonstrated to better align the capacity of the fleet with the commercial catch limit, to mitigate short fishing seasons, improve safety at sea and increase the profitability of the commercial red snapper sector. Participation in the commercial red snapper fishery, measured by the number of accounts holding red snapper IFQ shares at the end of 2014, has declined by about 32 percent since the program was implemented. However, the average ex-vessel price of red snapper in 2014 was 44 percent higher than the price prior to instituting the IFQ (inflation adjusted, 2002–2006). Also, IFQ participants are now targeting red snapper year round, and the fishery is reportedly safer than it used to be when fishermen were required to compete for the catch during very limited season openings.

There is clear evidence the rebuilding measures implemented in 2007 are paying off. The 2009 assessment update, 2013 assessment, and 2015 assessment update all confirm we ended overfishing and there are more red snapper in the Gulf of Mexico today than in decades. According to the 2015 assessment update, the total biomass of the population has more than doubled in the last 5 years. The biomass of the Gulf of Mexico red snapper population is estimated to have reached 60 million metric tons in 2014, which is more than half of the rebuilding target (Figure 1).

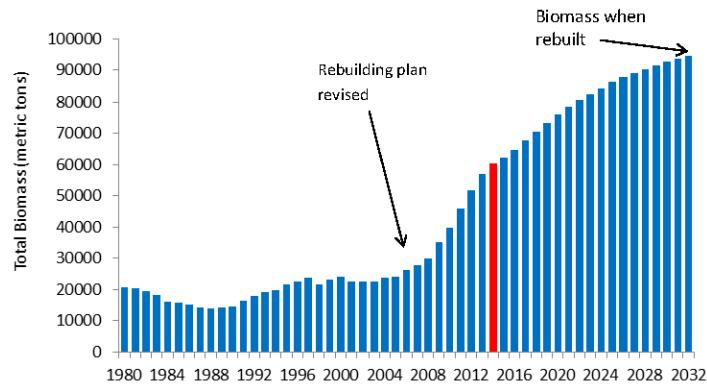


Figure 1. Historical and Projected Trends in Gulf of Mexico Red Snapper Biomass

Many Gulf of Mexico fishermen echo the assessment findings, saying they are seeing more and larger red snapper than they have seen in their lifetime. The 2015 recreational red snapper quota was set at the highest level in the history of managing the red snapper fishery (30 percent greater than the next highest quota level on record). As the population rebuilds, fish are getting larger with each fish weighing more than twice as much as before. Also, fishermen on the west coast of Florida now have new opportunities to target this popular species as the population expands back to its historic range. After decades of overfishing, the population was concentrated in offshore waters of the northern Gulf of Mexico. Now, catch data indicate red snapper landings are increasing both closer to shore and along the west coast of Florida, with some fishermen reporting landings as far south as the Florida Keys.

Despite these remarkable improvements, the current assessment indicates rebuilding is not yet complete because the overall biomass and reproductive potential of the red snapper population have not yet reached the rebuilding target. Management measures and strong year-classes of young fish entering the fishery in recent years have significantly improved the status of the population. However, because red snapper are long-lived, it takes a long time to rebuild the older age classes in the population. These older fish are important because they produce more eggs and spawn more frequently than younger fish.

#### MANAGEMENT CHALLENGES

While fishermen, fishery managers and scientists all agree the red snapper population is making a remarkable recovery, there is also widespread agreement there are real challenges in the fishery in terms of ensuring rebuilding benefits are fairly and equitably distributed among all user groups.

NMFS has increased the combined (commercial and recreational) catch limit from 5 million pounds to 14.3 million pounds since overfishing ended in 2009 and the 2015 catch limit was set at the highest level ever specified for this fishery. The commercial sector is flourishing at that limit under the IFQ program. Unfortunately, the recreational sector is not sharing the same benefits of stock recovery under the current management regime.

Higher catch rates and larger fish, while improving recreational fishing experiences and opportunities, are causing the recreational sector to reach its catch limit much more quickly. As a result, higher catch limits have not translated into increased fishing days for recreational fishermen. The recreational red snapper catch limit increased by 120 percent from 2008–2014 compared to a 623 percent increase in recreational landings per day during that same time period. As a result, the recreational season has been progressively shortened to prevent catch limit overages, in compliance with the Magnuson-Stevens Act.

Recreational fishermen are understandably frustrated by this trend, which has been exacerbated by state jurisdictional and regulatory inconsistencies. The Federal recreational fishing season length is further reduced when Gulf Coast states implement less restrictive red snapper regulations in state waters because catches from both state and Federal waters must be counted against the catch limit. Such state actions also create inequities because not all fishermen benefit equally from less restrictive state water regulations.

In response, the Gulf Council set the 2014 and 2015 recreational red snapper catch targets 20 percent below the limit to reduce the likelihood of an overage in those years. This action, along with extended state-water fishing seasons and the impacts of litigation in 2014 over recreational harvests, effectively reduced the 2014 and 2015 Federal recreational red snapper fishing seasons for anglers fishing from private vessels to 9 days and 10 days, respectively. Recreational catches in 2014 were below the quota for the first time in many years, and preliminary data indicate catches will be below the quota again this year.

#### MANAGEMENT OPTIONS

Last year, the Gulf Council approved a new fishery management plan amendment which enables them to manage the private and federally-permitted for-hire components of the recreational red snapper sector for different objectives for a 3-year period. For-hire fishermen are working with the Gulf Council to explore new tools to increase their catch accounting, stabilize their business operations, and improve their economic viability. However, developing solutions for the open access, private angler component of the recreational sector is more challenging and will require a broad shared vision of expectations and needs.

The Gulf Council is actively working through its state agency representatives, fishermen and other stakeholders to identify shared goals and develop management

options that more equitably distribute rebuilding benefits. The Council recently approved a new fishery management plan amendment which, if implemented, will increase the portion of the red snapper quota allocated to the recreational sector from 49 percent to 51.5 percent. Also, the Council continues to develop a regional management strategy, which would provide the states greater flexibility to tailor recreational red snapper management to local needs and objectives while meeting Gulf-wide conservation goals.

All Gulf Coast states have expressed some form of support for a regional management strategy, but have had some difficulty coming to agreement on a fair and equitable methodology for allocating the recreational red snapper quota among the states and on whether and how to incorporate the for-hire sector into a regional management program. As a result, the Gulf Council has not yet finalized a specific regional management strategy for review and implementation by the Secretary of Commerce. However, the Gulf Council has identified a preliminary preferred state-specific allocation methodology, which divides the recreational red snapper quota among the states based on landings trends over a long time series and in recent years, giving equal weight to each. The Council has scheduled a series of public hearings throughout the Gulf of Mexico on the current proposed strategy in October and November 2015. NMFS is committed to continuing to support the Gulf Council's efforts to finalize this plan over the next year.

NMFS supports regional management in concept as a way to resolve the current challenges created by inconsistent state jurisdictions and regulations, stabilize the recreational sector, and better manage the expectations of for-hire fishermen and private anglers. Interstate management challenges are not unique to the Gulf of Mexico. In fact, they are present in every region where major fisheries span multiple state jurisdictions. Such challenges have been addressed in different regions in different ways; for example, through legislation authorizing the Atlantic States Marine Fisheries Commission as a coordinating body on the U.S. East Coast. While there are any number of models that may work, each requires the collective involvement and support of the states, and full accountability to comply with agreed upon management strategies.

NMFS believes the hallmarks of a successful regional management strategy for red snapper include:

- Fair and equitable allocations among all of the states and user groups;
- Measures reasonably calculated to promote conservation;
- Sound, science-based decisionmaking that accounts for all sources of fishing mortality, recognizing that limiting shrimp trawl bycatch of red snapper is a critical component of the red snapper rebuilding plan;
- Coordinated data collection systems, which provide consistent, reliable data; and
- Catch accountability, including mechanisms to prevent and respond to quota overages.

#### H.R. 3094—GULF STATES RED SNAPPER MANAGEMENT AUTHORITY ACT

H.R. 3094 contains a provision similar to Section 13(f) of H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act. The Administration, in its Statement of Administration Policy dated May 19, 2015, objected to Section 13(f)—State Fisheries Management in the Gulf of Mexico with respect to red snapper. Section 13(f) would severely undermine the authority of the Gulf Council by extending Louisiana, Mississippi and Alabama state jurisdiction over the recreational red snapper fishery to 9 miles in the Gulf of Mexico. NMFS does not support extending state management out to 9 miles. Extending the jurisdictions of those states would increase the proportion of the total recreational red snapper catch taken under state management and could substantially reduce or even eliminate the Federal recreational red snapper season in those years when states implemented less restrictive regulations in state waters. Such action could lead to overfishing, compromising the industry's hard earned conservation achievements, and potentially require NMFS to reduce the commercial quota to ensure the long-term sustainability of this Gulf-wide resource.

NMFS supports regional management as a way to resolve the current challenges faced by the Gulf states and the red snapper fishery. But we continue to believe the best way to develop an effective regional management strategy that withstands the test of time is through the Council process. The Magnuson-Stevens Act established that process to ensure fishery management decisions are developed from the bottom up, stakeholder-based, transparent, and consistent with all applicable law.

We believe it is a good process for working through the types of difficult decisions that regional management requires.

#### CONCLUSION

We have made great progress toward rebuilding the Gulf of Mexico red snapper population. But this progress has not come easily, nor will it be sustained without continued attention. This is a critical time in the history of red snapper management, and we must ensure the fishery is able to meet the needs of both current and future generations. We must continue the achievements we have gained in the commercial fishery while improving stability, accountability, and predictability in the recreational fishery.

We must not lose sight of the fact that the current management challenges are a function of success. The red snapper population is rebuilding and that is a good thing. Now we need to make some reasoned, thoughtful decisions about how to best distribute the hard-earned benefits provided by this growing population.

Gulf of Mexico fishermen and fishing communities sacrificed a great deal to get us here. It is critical that all involved remain engaged and work together to find a way forward in the cooperative spirit that the regional fishery management council process promotes.

Thank you again for the opportunity to discuss Gulf of Mexico red snapper management. I am available to answer any questions you may have.

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Dr. FLEMING. Thank you, Mr. Risenhoover.

Next the Chair recognizes Mr. Nick Wiley, Executive Director of the Florida Fish and Wildlife Conservation Commission for 5 minutes. Be sure that you are close to the microphone.

**STATEMENT OF NICK WILEY, EXECUTIVE DIRECTOR, FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, TALLAHASSEE, FLORIDA**

Mr. WILEY. Yes, sir. Thank you, Chairman Fleming, Ranking Member Huffman, and members of this subcommittee. I appreciate the invitation to testify, and we do support this legislation.

Red snapper is an iconic fishery in the Gulf of Mexico. However, red snapper management has been increasingly fraught with uncertainty and controversy. Seasons have gotten shorter, despite continued rebuilding success and higher quotas. In 2007, the recreational season was open for 194 days. This year the Federal recreational harvest season was open only 10 days for private anglers, and 44 days for federally-permitted for-hire vessels.

This is a highly divisive and unacceptable situation that short-changes private anglers in Federal waters and for-hire vessels in state waters. It forces states to provide longer seasons in state waters to compensate. It is clear our red snapper management system needs major changes to better balance management flexibility with strong conservation measures.

The Gulf Red Snapper Act would do precisely this by transferring management authority to the Gulf states and providing a robust framework for continuing the rebuilding of red snapper stocks, while providing more acceptable access to red snapper fishing.

The Gulf states are well qualified to manage red snapper because they have a track record of successful conservation and management of state fisheries. In Florida, nearly all stocks managed by my agency, FWC, are meeting or exceeding management goals. Fisheries, like spotted sea trout, red drum, and snook, have been rebuilt under state management and are thriving. Most of Florida's most valuable commercial fisheries, like spiny lobster, stone crab,

and blue crab, are managed exclusively by the state, or with the state in a leading role.

FWC has an excellent track record for providing science-informed, sustainable access to a wide diversity of fishing opportunities. Our Fish and Wildlife Research Institute conducts fisheries research, stock assessments for state- and federally-managed species, and is considered a national leader in marine fishery science.

FWC also effectively enforces fishery regulations in state and Federal waters, and would continue to do so for red snapper under state management.

The Gulf Red Snapper Act offers major improvements over the current management process.

First, it provides a way to tailor red snapper regulations to local needs. Management that works for fishermen in Florida does not always work for other states. Even within Florida, the needs of anglers in Naples differs from the needs of anglers in Pensacola. The Gulf Red Snapper Act would provide much-needed flexibility for states to meet varying stakeholder interests within each state, while continuing to improve the fishery.

The Gulf Red Snapper Act also increases opportunities for stakeholders to engage in the fishery management process. Sometimes the Council meeting can be 1,000 miles away from Florida. With this program, states will be taking the lead, and the people can come and testify at local meetings, directly to their state commissions. FWC's rulemaking process also is nimble enough to respond quickly to the needs of fishermen and resource changes. This approach could continue under this Act. In contrast, the current Federal process can take years to make necessary changes that balance rebuilding with fishing access.

The Gulf Red Snapper Act would provide oversight to ensure that each state is accountable, adequately monitoring their landings, and achieving conservation. All five Gulf states now have programs to collect more accurate and timely data from anglers who fish for red snapper.

Florida's program is called the Gulf Reef Fish Survey, and was developed largely at the request of fishermen who understand that more precise and timely science allows for better management decisions and optimization of fishing access. These state-run programs have great promise for improving recreational red snapper data collection and management under this Act.

FWC is committed to ensuring fair access to red snapper for all fishermen. Commercial red snapper management through the IFQ program is highly accountable and successful. FWC is willing to provide strong assurances that this program will continue, and we will work closely with our commercial fishing industry, so they can continue to provide a generous supply of fresh Florida red snapper to our residents and visitors.

Similarly, FWC will continue to support Florida's for-hire industry, and recognizes their critical contribution to Florida's coastal communities, culture, and tourism economy.

In conclusion, I am confident the Gulf red snapper can be successfully managed through this legislation. It provides flexibility the states need to create solutions that work for anglers, commercial fishermen, for-hire businesses, and local communities.

Mr. Chairman, committee members, this concludes my testimony, and I really appreciate this opportunity to provide FWC's perspective. Thank you.

[The prepared statement of Mr. Wiley follows:]

PREPARED STATEMENT OF NICK WILEY, EXECUTIVE DIRECTOR, FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC)

Chairman Bishop, Ranking Member Grijalva, Chairman Fleming, Ranking Member Huffman, and members of the Subcommittee on Water, Power and Oceans of the Committee on Natural Resources of the U.S. House of Representatives, my name is Nick Wiley, and I am the Executive Director of the Florida Fish and Wildlife Conservation Commission. Thank you for the invitation to provide testimony at this important oversight hearing examining H.R. 3094, the "Gulf States Red Snapper Management Authority Act (Gulf Red Snapper Act)."

The Florida Fish and Wildlife Conservation Commission (Commission) is responsible for managing fish and wildlife resources for the state of Florida. The Florida Constitution authorizes the Commission to enact regulations regarding the state's fish and wildlife resources. This is done by seven Commissioners who are appointed by the Governor and confirmed by the Florida Senate. The agency's mission is managing fish and wildlife resources for their long-term well-being and the benefit of people. On behalf of the Commission, I am pleased to support H.R. 3094. The Commission believes the Gulf Red Snapper Act is a step in the right direction for red snapper management.

Red snapper is an iconic species in the Gulf of Mexico. It is a prized catch for recreational anglers and enjoyed at dinner tables around the Nation thanks to commercial fishermen. Although red snapper is considered to be overfished, recent stock assessments have shown the species to be rebuilding ahead of schedule. This year's quota is higher than ever at 14.3 million pounds.

Despite this rebuilding success, management of red snapper has been increasingly fraught with uncertainty and controversy, particularly for private recreational anglers. Anglers have faced shorter and shorter seasons despite increases in the overall quota. In 2007, the recreational season was open for 194 days. This year, the Federal recreational harvest season was 10 days for private anglers and 44 days for federally-permitted for-hire vessels. The decrease in season days is due in large part to the success of the rebuilding plan for red snapper: as the fishery has improved, red snapper have become larger, more abundant, and easier to catch, which has caused the recreational quota to be caught faster and seasons to grow shorter. In 2015, sector separation was enacted in the Gulf of Mexico red snapper fishery, dividing the recreational quota into a federally-permitted for-hire component and a private angler component. While sector separation has more than quadrupled the number of fishing days available to federally-permitted for-hire vessels and their customers, private anglers fishing in Federal waters have seemingly been left behind. In 2014 and 2015, all five Gulf states held longer recreational red snapper seasons in their state waters to provide harvest opportunities for private anglers. While this inconsistency in regulations by the states resulted in the Federal season being shorter by 2–5 days in 2015, the economic and social benefits these seasons provided anglers and local communities is undeniable. Despite the inconsistency between state and Federal seasons over the last 2 years, the recreational sector has kept harvest within their annual catch limit.

It is clear that big changes are needed to red snapper management that provide flexibility while continuing conservation. The Gulf Red Snapper Act provides the Gulf states with the opportunity to transform management of Gulf red snapper for the benefit of all who enjoy this treasured resource. This bill proposes to allow the Gulf states to manage the red snapper fishery off their coasts through a collaborative body known as the Gulf States Red Snapper Management Authority (Gulf States Management Authority). The Commission believes this will benefit Gulf coastal communities and the red snapper stock as a whole.

WHY STATE MANAGEMENT CAN WORK FOR RED SNAPPER

In short, the Gulf states are well-positioned and qualified to manage red snapper because they have a track record of successful conservation and management of state fisheries. In Florida, nearly all stocks that are managed by the Commission are meeting or exceeding management goals. State management in Florida rebuilt fisheries like spotted sea trout, red drum, and snook. Successful management of these fisheries continues today and is enjoyed by residents and anglers who come from around the globe to visit the Fishing Capital of the World. Many also enjoy

the success of state-managed fisheries through ready access to fresh Florida seafood in restaurants and markets around the state and Nation. Most of Florida's most valuable commercial fisheries like spiny lobster, stone crab, and blue crab are managed exclusively by the state, or with the state taking the leading role in management. The other Gulf states have enjoyed similar successes with their state-managed fisheries.

The Commission strives to maintain access and fishing opportunities while setting regulations to ensure sustainability of our marine fisheries resources. The Commission uses science-informed management and values collaboration with our stakeholders. This allows for management that balances the needs of the resource with the needs of Florida's fishermen, coastal communities, and all who enjoy Florida's rich marine resources.

The Commission's Fish and Wildlife Research Institute (FWRI) conducts fisheries research and stock assessments and is considered a national leader in marine fisheries science. FWRI not only regularly assesses state-managed species, but also conducts stock assessments for Florida-centric species that are both state- and federally-managed, like yellowtail snapper, mutton snapper, and black grouper. Our scientists, like many from the other Gulf states, also serve as experts on Science and Statistical Committees that provide valuable scientific advice to the Gulf of Mexico and South Atlantic Fishery Management Councils.

From a law enforcement perspective, state management of the red snapper fishery would not change anything. The Commission's Division of Law Enforcement already enforces regulations in both state and Federal waters and would continue to do this for red snapper and other state- and federally-managed species.

#### THE GULF RED SNAPPER ACT PROVIDES A UNIQUE OPPORTUNITY FOR IMPROVEMENT

The Gulf Red Snapper Act provides several improvements over the current management process. First, it provides a means to tailor red snapper regulations to the needs of the states and local communities. In many fisheries, particularly with red snapper, management that works for fishermen in Florida does not always work for fishermen in other states. This is due to a multitude of reasons including varying habitats, water depth, weather conditions, and tourist seasons. The Gulf Red Snapper Act would provide states the flexibility to set regulations that work for their anglers, commercial fishermen, for-hire vessels, and tourists. Even within Florida, the desires and needs of Gulf coastal communities vary. In many cases, what works for Panhandle communities like Pensacola is not ideal for areas of southwest Florida, like Naples. This legislation would provide Florida and the other Gulf states the opportunity to manage their state, or sub-regions within their state, to meet varying stakeholder needs while continuing to improve the red snapper fishery. Commission staff have heard from fishermen all along the Florida Gulf coast who feel that more local control of red snapper regulations is needed.

Management through the Gulf Red Snapper Act also provides stakeholders with more opportunities to provide input to fishery managers. This helps promote stakeholder buy-in for red snapper fishery management decisions. In the current process, management decisions that affect Tampa-area fishermen may be made in a Gulf of Mexico Fishery Management Council (Council) meeting 1,000 miles away in Galveston. Council meetings are typically 4 to 5 days long, with public input and management decisions typically being made on different days. The time and cost associated with these meetings makes attendance difficult for many fishermen. With states taking the lead on managing the red snapper fishery, important management decisions would be made at local meetings in the states and communities that are affected by them. In Florida, stakeholders could attend a Commission meeting in their area and speak directly to Commissioners about management and what they see happening on the water. Commissioners listen to public testimony on issues as they are deliberating and formulating decisions. This allows stakeholders to easily observe the Commission's public rulemaking process and can help stakeholders provide direct feedback on Commission discussions as they occur.

Additionally, the Commission's rulemaking process is nimble enough to respond to the needs of fishermen and the resource quickly. In the current Federal process, it can take years to make necessary changes that balance rebuilding with fishing access. In Florida, such changes could be accomplished in a fraction of the time, with several opportunities for public input. Under the Gulf Red Snapper Act, once states have decided on their plans for managing red snapper, the five Gulf state directors would come together to review each state's plan to ensure they promote the long-term health and sustainability of the red snapper fishery and are consistent with section 303(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Plans would be reviewed for approval within 60 days. This

timeline is relatively fast compared to the Council process and even the Council's proposal for regional management (Amendment 39).

In turn, the Gulf Red Snapper Act would provide oversight to ensure that each state is accountable, adequately monitoring their landings, and promoting conservation. The states recognize that the current recreational data collection through the Marine Recreational Information Program (MRIP) does not track landings in a timely or precise enough manner to inform Gulf red snapper management decisions. As such, all five Gulf states have implemented data collection programs to collect more accurate and timely data from anglers who fish for red snapper and reef fish. These state-run data collection programs have great promise for improving recreational fisheries data collection and management under the Gulf Red Snapper Act. Florida's program is called the Gulf Reef Fish Survey and was developed largely at the request of Florida fishermen who understand that more precise and timely science allows for better management decisions and optimization of fishing access. The Gulf Reef Fish Survey improves upon the current MRIP program by: (1) defining the universe of anglers who fish for red snapper and other reef fish in the Gulf of Mexico off Florida; and (2) targeting these anglers for surveys about their fishing activity. In designing the Gulf Reef Fish Survey, Commission scientists consulted with NOAA Fisheries MRIP staff and other Gulf states to learn what is working in other states, and to ensure that data from the Gulf Reef Fish Survey: (1) is compatible with MRIP; (2) may eventually be used in stock assessments; and (3) is recognized by NOAA Fisheries as a valid tool for tracking recreational reef fish harvest. Of course, we will also continue to work with NOAA Fisheries on MRIP improvements and managing harvest data for recreational fishing as a whole in Florida.

If a state fails to rebuild the red snapper fishery or otherwise fails to manage their red snapper fishery according to the requirements outlined in the Gulf Red Snapper Act and agreed upon by the states, then the Gulf States Management Authority can recommend that the Secretary of Commerce intervene and close Federal waters adjacent to that state. This provides a huge incentive to manage the red snapper fishery responsibly and use the best scientific information available so the fishery continues to rebuild, fisherman can still fish, and Gulf red snapper can be enjoyed on dinner tables.

The Gulf States Red Snapper Act proposes to transfer management of the red snapper fishery as a whole to the Gulf states. Because of this, many commercial red snapper fishermen have expressed concerns about this bill and have questioned how transfer of management would affect the commercial fishery and the red snapper individual fishing quota (IFQ) program in the Gulf of Mexico. Over the first 3 years of management through this legislation, the states would work with the commercial fishery to ensure a seamless transition from Federal to state management. The Commission recognizes the importance of our state's commercial fisheries to Florida's cultural values, economy, and consumers. The Commission believes that the commercial red snapper IFQ program is a management success and has no intention of making any significant changes that would disrupt the commercial fishery or diminish the success of the IFQ program. Having access to fresh, Florida seafood like red snapper is important to the Commission, Floridians, and our visitors alike.

Some federally-permitted for-hire fishermen have also expressed concerns about the Gulf Red Snapper Act, arguing that state management would jeopardize the non-boat owning public's access to red snapper. The Commission has steadfastly supported Florida's for-hire industry and recognizes their important contribution to Florida's coastal communities, culture, and economy. The strong for-hire fishing fleets in communities like Destin and Panama City provide so much public access to outstanding fishing and plays a big part in Florida's standing as the Fishing Capital of the World. The Commission is committed to ensuring fair access to red snapper for all fishermen.

#### CONCLUSION

I am confident that the Gulf red snapper fishery can be successfully managed by the Gulf states through the Gulf Red Snapper Act. The state of Florida looks forward to working with our stakeholders and the other four Gulf states on improving this fishery for the benefit of all. I am confident the states can use the flexibility in this legislation to find solutions that work for their anglers, commercial fishermen, for-hire businesses, and local communities.

Chairman Bishop, Ranking Member Grijalva, Chairman Fleming, Ranking Member Huffman, and members of the Subcommittee on Water, Power and Oceans, this concludes my testimony. Thank you again for this opportunity to provide Florida's perspective. I would be happy to answer any questions.

Dr. FLEMING. Thank you, Mr. Wiley. That completes the opening statements of our witnesses. We have a pretty good number on the dais today, and I think we will have very interesting questions. Therefore, I yield 5 minutes to myself for the first set of questions.

Mr. Risenhoover, solve a paradox for me. I am having difficulty understanding this. I think I may know at least part of the reason for this. In the period where the fish stock has recovered—we are talking red snapper—the sizes are getting bigger, the numbers are getting bigger, the poundage allowed is getting larger, but yet we have seen a substantial reduction in the number of days for recreational fishermen. What has changed to make that occur?

Mr. RISENHOOVER. Thank you, Mr. Chairman. A couple of things, or a couple comments on that.

You are absolutely right. The stock is recovering. Fish are getting larger. The geographic area the fish are caught in is getting larger, as well. As you have heavier, more numerous fish in more areas, the access by fishermen to them is increasing. So again, catching larger fish increases the amount of fish that are counted against the tag.

Additionally, state seasons affect what happens in Federal waters. Since the stock is managed on a Gulf-wide basis—

Dr. FLEMING. Limited in time. I would love to hear more, I really would, I just do not have time.

Basically, what you are saying is more people are fishing. Is that accurate to say?

Mr. RISENHOOVER. I think there are more people fishing, there are more fish, and the fish are more geographically dispersed.

Dr. FLEMING. OK. That all makes sense. Are you seeing any increase in one industry versus another? That is, commercial versus charter versus recreational?

Mr. RISENHOOVER. Again, the quotas are set for each of those groups, so they fish toward that quota. The commercial quota is set separately. Through the IFQ Program, as some have mentioned, we have good statistics and good catch data on that.

The charter fishery—chartering for-hire, managed separately, they have a slightly longer season in Federal waters, because there are fewer—

Dr. FLEMING. Well, again, I only have limited time. I would love to hear it all.

So, where we see a sharp reduction is in the recreational side, would that suggest that we have had a sharp increase in recreational fishermen versus the other two sectors?

Mr. RISENHOOVER. It does not indicate that there is a sharp increase, it is just that those larger fish, the same number caught, account for more. And with the state seasons being longer, that reduces the Federal water season, as well.

Dr. FLEMING. Sure, OK. It sounds like—it is partly more fishing, more accessible fishing, and also bigger fish. Obviously, if the fish are twice as big, that is going to cut in half the poundage that is allowed under the same limit. So I get that. OK.

Also, back to you, Mr. Risenhoover, can you describe to me how NOAA currently estimates the number of fish caught by the recreational community?

Mr. RISENHOOVER. Yes. We have a program called the Marine Recreational Information Program, MRIP—we have all heard of that—that does sample around the Gulf to get an estimate of the number of fish. Obviously, we cannot be at every dock. We are at most public docks at some periods of times, based on some statistical sampling, but not so much at private docks.

Currently, we are trying to work very closely with the states and their programs, the LA Creel survey, the surveys that are conducted in Florida, as well as Alabama and Mississippi, to improve that information.

Dr. FLEMING. OK. So you are open to using other technologies that are being developed. But it is still kind of an indirect—you do not count every fish like you can with commercial, but you use some sort of indirect methodology, maybe sampling. You have people at docks, I suppose. And I think also—well, I will not get into that, because, again, my time is limited.

How would the states counter-estimate the recreational catch under the state plan? Oh, I am sorry. Let me ask our state witnesses.

Mr. Barham, under the state plan how would that be accomplished, as opposed to what NOAA does?

Mr. BARHAM. Our monitoring through LA Creel, that is the program that we have put in place to monitor the fish, and we would continue that program. That program is so successful in Louisiana. We do a much better job. I think the Feds even recognize that. We are providing them the data, and they see that our program works so much better than their assessment, even in Louisiana.

And, I would comment that the Feds have a cookie-cutter approach in that they are managing the Gulf, as a whole. The Gulf is not a whole. The fish off Louisiana are not going to show up off Florida tomorrow. These are geographically limited populations that need to be managed by the people that are there that should be managing them.

Also, I did not mention that we have a document from all our directors, all of my comparables in Texas, Mississippi, Alabama, and Florida that support this program. They clearly recognize we can monitor the fish better than the Federal system.

Dr. FLEMING. I think all sides agree that we need better technology on tracking what the catches are.

My time is up. I recognize the Ranking Member.

Mr. HUFFMAN. Thank you, Mr. Chair. Mr. Risenhoover, the statement we just heard that Louisiana fish are not related to populations in fishing rules that you might need to establish in Florida and other Gulf states, is that true? Is that based on science? Do they really stay in Louisiana their whole lives?

Mr. RISENHOOVER. Representative Huffman, I am not a scientist, so I cannot comment specifically on that. I do know that our science center and our scientists currently do manage on a Gulf-wide basis.

Mr. HUFFMAN. It has been suggested that NOAA Fisheries do not consider state science, including some of the science we have just heard about. Is that correct?

Mr. RISENHOOVER. We consider science from all sectors—states, academia, as well as the industry. And, as I mentioned earlier, we

are trying to work very closely with our state partners through MRIP and their individual state programs to calibrate those programs to each other so, as everybody I think agrees, we can get better, more timely, more accurate data.

Mr. HUFFMAN. Would you speak a little more to what your agency is doing to access more and better state-of-the-art science so you can create the best possible decisions?

Mr. RISENHOOVER. Through the MRIP Program we have begun, and we have several pilot programs going with each of the states to look at their data collection methods and, again, to calibrate those against our MRIP one. We have provided funding to the states to help them develop these pilot programs, as well as we have invested in additional sampling around the Gulf to, again, increase and get better data.

Mr. HUFFMAN. OK. Secretary Barham, you referenced a survey of charter boat fishermen in Louisiana. I just want to clarify. The question asked in that survey was only about the Federal Government transferring management for the recreational red snapper fishery. Correct?

Mr. BARHAM. That is correct.

Mr. HUFFMAN. You did not ask whether the management of all sectors of the fishery would be appropriate under state authority. Right?

Mr. BARHAM. No, I think you are correct.

Mr. HUFFMAN. OK. And again, that was only for Louisiana charter boat—

Mr. BARHAM. Yes, sir.

Mr. HUFFMAN [continuing]. Folks that you asked that question. So I think that is an important point.

Secretary Barham, there has been discussion about the West Coast Dungeness crab as a possible analog to what is being talked about here with Gulf red snapper. In that case, we had negotiations with all of the stakeholders that culminated in consensus. There were no remaining conflicts, everybody was on the same page. It took a long time to get there, and there had to be a demonstrated track record of successful Tri-State Commission management before Congress eventually allowed the permanent management under that approach.

Would you be open to committing to a process that included everybody, all the stakeholders from all the states, to try to reach that same type of consensus, as opposed to this approach?

Mr. BARHAM. Of course, I am open to that. It is successful when everybody is involved, and we want them involved. Our commercial industry, as I told you, is so important to our state. I want them to trust that we will do the best for them, absolutely.

Mr. HUFFMAN. OK. I want to just ask you and Mr. Wiley, as well, a question. After the last hearing we had on this issue, we asked each state to submit for the record an answer to a simple question: What is the fair percentage of the recreational red snapper quota that you would want for your state under a regional management scheme? We did not hear back from most of them. We heard back from one state, but we did not hear back from Louisiana or Florida.

So, I just want to ask you here and now, since you are asking for state authority. What should the quota be for your state's recreational—

Mr. BARHAM. Well, we took the quota that the Feds used to establish our state season, if you will, to be sure that we use their numbers, and we set our goal to match—

Mr. HUFFMAN. OK. But what is your answer to the question? What is a fair percentage for the recreational harvest in your state?

Mr. BARHAM. I would not hazard a guess at this point.

Mr. HUFFMAN. Mr. Wiley, do you have an answer?

Mr. WILEY. Yes, sir. We have been working closely with our colleagues, and we certainly have not come to agreement on what that good answer is. But right now, our preference would be to have a quota somewhere around what we have been harvesting the last 5 years on an annual basis, and that is somewhere between 50 and 60 percent.

Mr. HUFFMAN. So you would not change much from where it currently is?

Mr. WILEY. We are willing to talk about it and work on compromise. I am not saying we would not change.

Mr. HUFFMAN. All right.

Mr. WILEY. You asked me for a number.

Mr. HUFFMAN. Thank you, Mr. Chairman.

Dr. FLEMING. The gentleman yields back. Mr. LaMalfa is recognized for 5 minutes.

Mr. LAMALFA. Thank you, Mr. Chairman.

Mr. Risenhoover, just one basic question here. We heard a lot of talk about using the science involved. Basically what I am wondering is why, if the states have better data on fish counts, fish harvest—it does not seem that scientific, it seems like they have the stats, from my understanding, available to them that have pretty accurate counts, much more within range than what we are hearing from what NOAA's numbers are.

So, why wouldn't we move more toward using that more accurate information, and basing harvests off of that and the other policies?

Mr. RISENHOOVER. I think the answer there is we are always looking for better data.

Mr. LAMALFA. But actually using it, though, for the—

Mr. RISENHOOVER. We are working with the states to calibrate their data to our survey, so that we can compare those and make sure that we do have a good estimate of what the catches are in the future.

Mr. LAMALFA. But, sir, if yours are maybe as much as 70 percent different from the states, with their more accurate system of actually tracking at the docks what the harvest is, how can you calibrate together something that is that far off?

Mr. RISENHOOVER. Right. Since we have the same goal in mind of an estimate of the number of fish caught, there is a reason for that 70 percent difference. And, we need to look at both surveys again and find out why there is that difference, and then improve both surveys to get the better number in the end.

Mr. LAMALFA. But, indeed, if the methodology for the state-based survey is already an improved, accurate one versus the NOAA one

that is not, I do not know why they have to recalibrate the state-level ones.

Mr. RISENHOOVER. Right. We have been working for a number of years, based on a National Research Council Report to improve our data and our survey system. We are working to make sure that our survey system is as accurate as possible, and then comparing that and trying to improve our system and the state's system, as well.

Mr. LAMALFA. Thank you. Mr. Chairman, would you mind if I yield the remainder of my time to Mr. Graves?

Dr. FLEMING. Yes, fine.

Mr. LAMALFA. OK, all right. Thank you, I yield back.

Mr. GRAVES. Thank you very much. Mr. Risenhoover, thank you very much for being here. I am struggling with this thing a little bit. Right now you have the East Coast, the Atlantic states, that manage the striped bass fishery. Correct?

Mr. RISENHOOVER. Correct.

Mr. GRAVES. You have the West Coast states, the Pacific, that manage the Dungeness crab. You have the state of Alaska that manages the salmon fishery.

Why would there be discrimination against the Gulf states in regard to you not supporting efforts for the states to manage the snapper fisheries since these other states do? Is there some profound problem with these other states? Is there some profound problem with the Gulf states that you have mistrust?

Mr. RISENHOOVER. Congressman, I do not think it is mistrust. These other programs have been around a long time.

Mr. GRAVES. But they started at some point.

Mr. RISENHOOVER. They did start at some point.

Mr. GRAVES. I wanted to double-check that.

Mr. RISENHOOVER. Again, when it comes to regional management, we support it in concept. We believe that giving the states more autonomy to manage their recreational stocks to meet their objectives is a worthy goal. We believe that currently the way to do that is through the Council process that has the large public—

Mr. GRAVES. If I can reclaim my time, I would like to read a part of the transcript from a hearing we had in this committee. I believe it was with Ms. Sullivan in here from NOAA.

I said, "I just want to make note that the five state agencies sent a letter effectively not agreeing with what the Council did, not agreeing with the direction that this has had, and asking for regional management. I strongly support that." And I said, "I suspect if the other Gulf members do, as well, that there would be strong efforts on our parts to urge you, NOAA, to defer to them and allow the states to manage the fishery."

In response, Ms. Sullivan said, "We have been monitoring that effort for them to come together and propose that closely, and we would be supportive of that."

Now, my takeaway—because I was very appreciative of her, and gave her all sorts of accolades after—my takeaway was that Ms. Sullivan was actually saying she supported those efforts of the five Gulf states to come together, supported their letter that had been issued prior to that meeting, laying out their management strategy for the Gulf.

Again, this is not a precedent, is it? Would this be a precedent to have the five Gulf states manage the snapper fishery?

Mr. RISENHOOVER. It would be a precedent for the red snapper fishery, but—

Mr. GRAVES. But would it be a precedent to have the states manage fisheries in Federal waters?

Mr. RISENHOOVER. No. As you mentioned—

Mr. GRAVES. OK, thank you.

Mr. RISENHOOVER [continuing]. There are other—

Mr. GRAVES. So let me just go back. In regard to Ms. Sullivan's comments, are you going back on those comments? Are you not agreeing with what she said?

Mr. RISENHOOVER. I do not believe I am disagreeing with Dr. Sullivan.

Mr. GRAVES. OK.

Mr. RISENHOOVER. I believe that the states can come together through the Council process as well.

Mr. GRAVES. Thank you. And, Mr. Chairman, I guess—can I roll in—oh, no. I guess you are going over there. OK, I will stop. Thank you.

Dr. FLEMING. Yes. OK, the gentleman yields back. Mr. LaMalfa yields back. The Chair now recognizes the gentlelady from Guam.

Ms. BORDALLO. Thank you very much, Mr. Chairman. I am an advocate for the Council management of our Nation's fisheries that take into account flexibility for local fisheries and local conditions.

I am from the Pacific area. And with that part of the ocean bordering so many other nations, we have the continued threat of our fisheries being overfished. But we must also weigh the concerns of particularly my community, the Guam fishing community.

Regarding this bill, I do support the spirit of the bill, but I do have concerns.

Mr. Risenhoover, I am going to ask you this question. I understand the Council has recently set up an advisory panel on recreational red snapper to help private boat anglers. How can the Council be more helpful to private anglers, so they can move forward?

Mr. RISENHOOVER. Thank you, Congresswoman. I believe the Council's effort to hear directly from the private-boat anglers through this committee is one way to do that. Also, continued involvement in the process. And also, I think regional management, as initially proposed by the Council, holds great promise for that, as well.

Ms. BORDALLO. All right. Then I have another question.

The states have argued that the red snapper stock is rebuilt based on evidence of higher recreational catches. But the recent stock assessment shows that the spawning stock of red snapper is only about half the size it is projected to be at the end of the rebuilding plan in 2032.

Mr. RISENHOOVER. That is correct, Congresswoman. We have made great progress since the rebuilding plan started in the 1990s. We still have some ways to go.

We have—and it is very notable—ended overfishing on this stock, a condition that existed for a number of years. So, the good news is we have ended overfishing. We have a healthy biomass that

continues to grow. We need to continue our conservation measures to make sure it rebuilds fully.

Ms. BORDALLO. All right. Can you give me—the Gulf red snapper stock is still overfished, but by how much?

Mr. RISENHOOVER. It is at about half of its biomass target. So, it still needs to continue to grow.

Ms. BORDALLO. I see. About half.

Mr. RISENHOOVER. At about half, and we still project by about 2032 it would reach that level, which would provide additional opportunities for fishermen, commercial and recreational.

Ms. BORDALLO. Another question. Will continued rebuilding of the stock under the Magnuson-Stevens Act lead to larger and more consistent catches in the future?

Mr. RISENHOOVER. That is our hope.

Ms. BORDALLO. That is your hope. All right. Let me see here.

NOAA does incorporate state data into red snapper science and management. Is that a true statement?

Mr. RISENHOOVER. That is correct.

Ms. BORDALLO. What are some of the challenges, and what can be done to help improve the current situation?

Mr. RISENHOOVER. Thank you, Congresswoman. I think cooperation is the key with the states. Through our MRIP Program, our survey, we are working directly with those states actively. We have had calls with the states this week about some of the differences we hear in the data, to try and resolve what those issues are, to get the best data in the future.

Again, we are increasingly and continually working with the states on information to include in our stock assessments, as well.

Ms. BORDALLO. All right. Thank you very much.

Mr. Chairman, if I could, I would like to give my extra minute to my colleague here, Mr. Lowenthal. He needs extra money—

Dr. FLEMING. Without—

Ms. BORDALLO. I mean extra time.

[Laughter.]

Mr. HUFFMAN. He needs that, too.

Ms. BORDALLO. Extra time.

Dr. FLEMING. That is between you two on that.

Ms. BORDALLO. It has been a long day.

Dr. FLEMING. Yes, exactly. Without objection, Mr. Lowenthal.

Ms. BORDALLO. Thank you.

Dr. LOWENTHAL. Thank you. First, I applaud Congressman Graves for taking on this issue. There are problems with the fishery. I am just really using this to learn more about it, what the issues really are. I do not consider myself an expert on this. I'd like to work on this. I do have some concerns—

Dr. FLEMING. Mr. Lowenthal, can you get that microphone a little closer, please, sir?

Dr. LOWENTHAL. Yes, let me come over here. It is on.

I do have concerns—not that I am opposed to the states managing the fisheries. I think we have demonstrated that that does work well in other places. But we need to make sure that—and I need to understand more myself—that we protect all the fishing interests, not just the recreational, that we protect commercial

interests, charter interests, and not just cut out the commercial and charter, who have worked so hard.

So, my first question is, what are the major concerns that some of those that oppose this, such as the commercial, why are they concerned about this bill?

Mr. RISENHOOVER. Well, I think, if I may answer, Congressman—

Dr. LOWENTHAL. I am not saying they are real concerns, but it is important for me to understand what the issues are and what people are frightened of?

Mr. RISENHOOVER. I do not think that they see what the future would hold, specifically. Under the Gulf Council plan, those details are laid out much more clearly than in the subject legislation.

I think the second panel would be able to help you very much with that question.

Dr. LOWENTHAL. All right. I will wait until the second panel.

Dr. FLEMING. The gentlelady's time is up; but we will come back to you soon, Mr. Lowenthal. The Chair recognizes Mr. Graves for 5 minutes.

Mr. GRAVES. Thank you, Mr. Chairman. Ms. Bordallo, I want to thank you very much for co-sponsoring the bill. I certainly appreciate your insightful questions, and am looking forward to continuing to work through some of those issues with you.

Mr. Risenhoover, I would like to follow up on a question that was posed to you in regard to the health of the stock in the Gulf fishery.

You made a comment about the biomass of the snapper fishery in the Gulf of Mexico as a whole. Could you further drill that down and explain the biomass differences in terms of the health of the stock in the eastern Gulf versus the western Gulf?

Mr. RISENHOOVER. Congressman, there is a table chart in my presentation that shows that for the entire Gulf. I cannot personally draw that down for you, but I would be more than happy to get that information.

Mr. GRAVES. That would be very helpful to the committee. I actually know the answer, which is usually the safest way to ask questions. The western Gulf stock is actually rebuilt at this point, and the eastern Gulf stock is not. That is what the more accurate state science is showing at this point. I think that is an important distinction, showing once again how tailored management strategies among the five Gulf states may actually be a better approach than trying to do a one-size-fits-all for the Gulf of Mexico.

Let me ask you something. The Coastal Zone Management is under your agency's jurisdiction, correct, the Coastal Zone Management Act?

Mr. RISENHOOVER. It is under NOAA's jurisdiction, yes.

Mr. GRAVES. Thank you. Are you aware that there is more habitat loss in coastal Louisiana in regard to the wetlands than anywhere else? I believe it is 90 percent of the coastal wetlands lost in the continental United States. Are you aware of that?

Mr. RISENHOOVER. I have heard—

Mr. GRAVES. The area that is—by U.S. fish standards, I believe, they indicated it is one of the most productive habitats in the North American continent.

Whenever the state of Louisiana has gone to you with Secretary Barham's support and other folks from the state of Louisiana and asked that, through the Coastal Zone Management Act, NOAA actually prevent the U.S. Army Corps of Engineers from continuing to allow the degradation of our coast through Federal actions that they are doing, do you know what NOAA said back to us?

Mr. RISENHOOVER. I do not.

Mr. GRAVES. "We are not engaging." Do you know that when I was the lead trustee for the state of Louisiana, and I asked NOAA to help us force BP to clean up the oil because of the adverse impact on our habitat, on fish, and everything else down there, do you know what I was told?

Mr. RISENHOOVER. I—

Mr. GRAVES. I was told no. I was told no. So I have to be honest. I am having a little bit of trouble believing that NOAA is out there to be good stewards of the natural resources, to be our friend, and to make sure that this habitat is being managed properly. That is a very big concern of mine.

Could you provide the committee with landings records in the five Gulf states of where the red snapper on the commercial side—where they are actually landed, and where they are actually caught? Would you mind? I know you do not have it with you, but would you mind providing that to the committee?

Mr. RISENHOOVER. I believe we can provide that—

Mr. GRAVES. Great, great, thank you.

Secretary Barham and Secretary Wiley, could you both answer a question for me? Can you just very quickly explain how you would manage the fisheries? And I see all these shirts behind you, and I am really glad that all of you are here.

I want to reiterate something I said earlier. I said earlier that I repeatedly tried to engage industry, commercial industry, restaurants, and others, and got nothing back. So, those people that bought you plane tickets and told you to come here, maybe you could go ask them why nothing came back to us.

I also want—one other comment, real quick—those of you sitting in the audience who are concerned about this—I am going to guess that most of you recognize Secretary Barham and Secretary Wiley. And, Mr. Risenhoover, I appreciate you being here, but I am going to guess that none of you recognize the gentleman in the middle, which means whenever things come up and you need to engage the person that is actually managing your fisheries, I think it would be much easier to get in touch with one of these guys that you actually recognize, you know where he lives, you know how to get there, you know how to get in touch with him, rather than—and, again, no offense to you, you have 50 states to deal with—but rather than this gentleman here.

Secretary Barham and Secretary Wiley, could you give a brief explanation of how you would actually manage the fisheries in the Gulf?

Mr. BARHAM. Well, as far as Louisiana, in this bill we want to protect what the commercials have today. We do not want to undermine their production. That is the initial premise. We want to be sure they get the amount of fish they are getting today into the future.

Beyond that, we believe that our assessment of the stock, and the viability and the vibrancy of that resource offshore, will indicate that they can have increases in the future. That is our belief.

So, we will manage using our LA Creel and any other tools that we develop that we believe—

Mr. GRAVES. Thank you. If I could just get the last few seconds here for Secretary Wiley.

Secretary Wiley, could you please quickly also include in your answer—the Federal Government currently manages the South Atlantic Red Snapper Fishery. Could you please explain the condition of the current red snapper fishery management for the commercial sector?

Mr. WILEY. Yes. In the Atlantic it is much worse, much further behind. The season is essentially closed, non-existent. Our approach would first begin with a series of workshops with all of our stakeholders—commercial, charter-for-hire, recreational, everyone—and bring them together and say, “You help us design Florida’s program.”

Dr. FLEMING. All right. Mr. Lowenthal is now recognized for 5 minutes.

Dr. LOWENTHAL. I appreciate this hearing. It is giving me a chance to learn more about what the critical issues are.

So now, as I understand—and I think Mr. Risenhoover—because we do not have a really accurate way of accountability or measurement of the recreational fishing, they are managed with broad buffers. We manage them and set quotas based upon kind of a buffer system of what we think is available. And you then state, “Well, we want you to only be able to take a certain percentage of that.” Is that not correct?

Mr. RISENHOOVER. That is correct. There is a management budget buffer in the recreational fishery that helps us ensure that that recreational fishery does not go over its quota.

Dr. LOWENTHAL. Got it.

Mr. RISENHOOVER. It has gone over in the past, and a court case—

Dr. LOWENTHAL. They have gone over in the past?

Mr. RISENHOOVER. Yes, helped require us to have such a buffer.

Dr. LOWENTHAL. I believe the states—and I believe what I am hearing, again, learning about is that those managing are wanting to have the state fisheries, or the state, have much more control over—believe that their measurement of it is better than—and so that they do not need these buffers.

Is that not true, Mr. Barham? If you had control, or responsibility in the EEZ of, say, recreational fishing, you might not need these buffers because you have better data?

Mr. BARHAM. Absolutely. Their protocols are woefully inadequate. He mentioned a court case. I will cite to you that 2, 3 years ago, Texas and Louisiana joined together and sued them about the allocation for Louisiana.

In the Federal court in Brownsville, Texas we saw the difference between our data and their data. They extrapolated what they estimated our population off Louisiana—they extrapolated from their sampling from less than 30 fish to say what the total population of the fish was off Louisiana. And we comparably had, literally,

thousands of samples—weights, ages, health of the biomass. The Federal—

Dr. LOWENTHAL. Are there other ways, and I am going to ask both of you, of right now requiring, for example, recreational anglers to report all red snapper landings; would requiring that be helpful, as we move forward?

Mr. BARHAM. Well, we, in essence, do that in Louisiana. We have what is called an offshore landing permit. We can individually contact those fishermen who have that offshore landing permit.

In addition to that, as I said earlier—I don't know if you were here—we selected all the larger docks in Louisiana, both private and public, and we send biologists to literally check the catch of the anglers coming to those docks. So, we get the vast majority not only of the counts, but the scientific data from the fish. We are keeping a real-time, whole population sample in Louisiana in LA Creel.

Dr. LOWENTHAL. Mr. Risenhoover, what about other things? What about a system requiring the purchase of a red snapper fishery endorsement, or a stamp coupled with required self-reporting in the form of fish tags or some other mechanism? Would that increase funding for necessary red snapper research? Could we do that? Would it give us a better understanding?

Are there other ways—if part of this is really the lack of trust or belief in what is out there, are there other ways in which we could be collecting data?

Mr. RISENHOOVER. Yes, sir. Permits or a tag-type system is one way to get this additional detailed information from fishermen. It is a large number of fishermen, and we would need to manage that.

As far as the funding goes, we have some legislative hurdles. For example, we could not collect the money from the tags and use it for that. We would need to look at that very closely.

But yes, again, better data is always better.

Dr. LOWENTHAL. Is that really the critical issue that we are talking about, the lack of or the belief that the Federal—NOAA—it is really the counting and what is going on, and that returning it to the state would give the states more ability to control, and to use their data, and so they would not need this kind of buffer thing?

Does that lead, then—and I am going to ask in the next panel to people who are also concerned—that that would impact, for example, potentially, the commercial fishing? They would say, “Oh, my goodness. You are now kind of getting rid of that buffer. They are going to—at some point we are going to lose our number.” I will ask that question later on to the others on the commercial side.

Dr. FLEMING. OK. The gentleman's time is up. The Chair now recognizes the Chairman of the Full Committee, Mr. Bishop.

Mr. BISHOP. Thank you. And we are just in panel one? OK. I appreciate you being here. I am sorry I was late, I was on the Floor before coming in here.

As I understand it, the bill's premise is that the states can do a better job than the Federal Government in managing our fishery resources, which is, admittedly, a low bar. But having said that, I am also looking in here with the idea that we are not in the business of putting people out of business. I want to make sure that

we have safeguards in there for commercial, charter fisheries. And I believe all three of you would say that is the same goal.

But also, the status quo of having 10 days for recreational fisheries in Federal waters for red snapper is simply unacceptable. The status quo must change in some way. But let me, therefore, ask a couple of questions.

First, to our friends from Louisiana and Florida, in your written testimonies—which I had a chance to read—as well as the five-state plan, you indicate that the states are better equipped to manage the fishery. If that is the case, I guess the question is why should American taxpayers continue to pay for management of the snapper, when it would no longer be Federal Government managing the fishery? Could you respond to that one?

Mr. BARHAM. Mr. Chairman, earlier in the committee hearing I spoke to one of the Members who expressed that same feeling.

Mr. BISHOP. I apologize for being late, then.

Mr. BARHAM. No, I told him that if that turned out to be the stumbling block, do not send me the money. Give me the authority to manage the fish; we will do a better job.

Mr. BISHOP. Thank you. Mr. Wiley, I am assuming you would say something very similar to that?

Mr. WILEY. Yes, sir. Thank you.

Mr. BISHOP. OK.

[Laughter.]

Mr. BISHOP. It is refreshing to hear that, thank you. And I apologize if I am plowing ground that has already been seeded and planted.

Let me do another one, once again, to Mr. Barham and Mr. Wiley. Are you two open to additional assurances that may be added to this bill that would address concerns of the commercial fishing industry about preserving their access?

Mr. BARHAM. Absolutely.

Mr. WILEY. Yes, sir.

Mr. BISHOP. All right. Then let me throw another one out. And I am not advocating this, the question just needs to be asked about bifurcating the management of the states, whereas the states would manage the recreational side, the Federal would manage the commercial side. Is that something to which you would also be willing to discuss, or open?

Mr. BARHAM. My personal opinion is I do not know exactly how it would work. That would be a real challenge, to have a bifurcated system. Of course, I am certainly willing to discuss any proposal, absolutely.

Mr. BISHOP. OK.

Mr. WILEY. Yes, sir. That is the same way we feel. It is a little tricky, pulling them apart, because they are very much closely aligned.

Mr. BISHOP. All right. Like I say, I am just brainstorming here. I am not advocating that position, but it is an option that should be on the table.

I look forward to working with you all as we continue, as this bill goes wherever this bill goes. I continue to work with you to make sure that we can come up with some good solutions.

I am very proud, because this is unusual for me. I have, like, 2 minutes left. I am going to yield it back to you, Mr. Chairman.

Dr. FLEMING. Very good. Thank you, Mr. Chairman. And last in the first round we have Mr. Scott. You are recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman. I appreciate you allowing me to participate in this. I have fished the Gulf of Mexico since my granddad took me to fish off the Steinhatchee Bridge. And, as I was telling war stories with the good captain before, I think we have probably fished against each other in the Bay Point Billfish Tournament. The gentleman that ran our boat was a commercial fisherman. Certainly, I have no intent whatsoever to take anything from the commercial industry, or hurt them in any way, shape, or form.

As someone who spent a lot of days on the Gulf, though, I do feel like the Council has taken something that was a right that Americans had—from them, the American fishermen. When we originally started making the changes to the fishery, I want you to know I actually supported a reduction in the number of days. I called, spoke to Roy Crabtree, as a matter of fact, told him I felt like our bycatch—that we were killing too many fish.

One of the things that does not get talked about much is the fact that bringing the fish home does not kill the fish any deader than catching it and then throwing it back in the water. It does not make any difference to the population if I catch the fish in state waters, in the front of the boat, or if I catch it in Federal waters, in the back of the boat. The fish is still dead. In some cases I can bring him to shore, and in some cases I cannot, if I am across this line that the fish do not know about.

But Mr. Crabtree testified—with due respect, Mr. Risenhoover—that the population of snapper was larger than it had been in the last 30 to 40 years. This was just a couple of weeks ago on—

Mr. RISENHOOVER. And that is correct, it is larger.

Mr. SCOTT. So we, as the recreational fishermen—and again, I was one who supported the reduction in the number of days, based on the promise that we would get our season back when the fishery was restored—it is restored well beyond where it was when this started.

So, for my colleagues, I will tell you they took us from 194 days with a 4-fish limit—as a dad who wants to take his kid fishing—194 with 4, to now 10 with 2. And, if I happen to be standing in the right place at the right time, and if I had gotten one of the right licenses, I could go out and catch 100 a day. But those permits were not auctioned off. And what is happening in many cases is, people who have a charter boat license and a commercial license are effectively selling their catch share as a charter trip. That is something that I think we need to address.

The other thing I would suggest, that catch shares are—to collect revenue, and if it were oil, we would be auctioning it off to the general public and using the money to restore habitat.

With that said, I want to go to you, Mr. Wiley, simply because I fish in your waters, and if I get stopped by the marine patrol down there I want to be able to tell them I know you.

[Laughter.]

Mr. SCOTT. How do you propose to work together on the assessments and the data gathering? I know what I see when we are out there fishing. If you would just talk through that a little bit, and if you could talk to the issue of the bycatch a little bit.

Mr. WILEY. Yes, sir. First, as far as working together, we have a great relationship with our partner states across the Gulf. We have been in the trenches together for years, and we collaborate on many things. The unfortunate Gulf oil spill brought us even closer together, and I have no doubt we can bring these things together.

Part of this Act would require that we come together in a planning process, work with our stakeholders back home, and bring each flavor from each state together and work it out together. I have great confidence we can do that.

Mr. SCOTT. Does NOAA currently contract with the states for the enforcement of any of the laws?

Mr. WILEY. Yes, sir. We do a good bit of enforcement in Federal waters through funding that comes through NOAA. Yes, sir.

Mr. SCOTT. Absolutely. So there is already a trust relationship between NOAA and the states with regard to allowing you to handle the law enforcement-related issues with regard to the very fisheries laws that we are talking about.

Mr. WILEY. Yes, sir. That is a very good relationship.

Mr. SCOTT. Mr. Chairman, again, I want to thank you for allowing me to be here. And to those of you from the commercial industry, look, all I want is my fishing season back. Taking a dad down to 10 days, I have not been able to go fishing since they did that. And that is just flat-out un-American.

Dr. FLEMING. OK. The gentleman yields back. To the first panel, we thank you. Great job. We may have more questions for you that we may provide to you later in writing. We would appreciate a response within 10 days. You are now excused, and we ask the second panel to step forward.

While the second panel is coming forward, I will go ahead and begin introducing them in the interest of time.

First is Mr. Christopher Horton, Fisheries Program Director of the Congressional Sportsmen's Foundation from Bismarck, Arkansas; Captain Gary Jarvis, Owner of Back Down 2 Charters from Destin, Florida; Mr. Bob Zales, President of the National Association of Charterboat Operators from Hurley, Mississippi; Mr. Jason DeLaCruz, President and COO of Wild Seafood Company from East Madeira Beach, Florida; Ms. Haley Bittermann, Corporate Executive Chef and Director of Operations for Ralph Brennan Restaurant Group, New Orleans, Louisiana; and Mr. David Cresson, Executive Director and CEO of the Coastal Conservation Association from Baton Rouge, Louisiana.

If everything goes right, everybody is sitting in the correct order. I cannot see all the names. OK, we are good.

OK. Our panel of witnesses, we thank you for joining us today. Let me remind you about our Committee Rules. You must limit your oral statements to 5 minutes, but the entire statement will appear in the hearing record.

I will also explain about the lights. You will be under a green light for 4 minutes, then a yellow light for the last minute. The light turns red quickly—conclude your statement.

We will probably be called for votes in about 15 minutes. We will try to get through the entire panel, if at all possible. Then we will recess and come back afterwards for questions.

The Chair now recognizes Mr. Christopher Horton, Fisheries Program Director at the Congressional Sportsmen's Foundation to testify.

**STATEMENT OF CHRISTOPHER M. HORTON, FISHERIES PROGRAM DIRECTOR, CONGRESSIONAL SPORTSMEN'S FOUNDATION, BISMARCK, ARKANSAS**

Mr. HORTON. Thank you, Mr. Chairman, Congressman Huffman, and members of the committee. My name is Chris Horton, I am the Fisheries Program Director for the Congressional Sportsmen's Foundation.

I began my career as a fisheries management biologist for a state natural resource agency, and then as the Conservation Director for BASS before joining CSF in 2010. I currently serve on the Recreational Fisheries Working Group of the Marine Fisheries Advisory Committee, and I have served previous terms on the Sport Fish Partnership Council, as well as the National Fish Habitat Board.

However, I am also a private recreational angler that goes to the Gulf of Mexico at least twice a year to fish both inshore and offshore. I am thankful for the opportunity to be back before your committee to discuss the issue of Federal management of our recreational fisheries, and specifically in the context of H.R. 3094.

In my 2013 testimony regarding the Marine Recreational Information Program, or MRIP, I tried to convey how this program, though a significant improvement over the old MRF system, would never be able to provide the necessary information for in-season quota monitoring and closures that the Federal system management requires, especially for red snapper. Two years later, we are still in that same boat. Because of both an inadequate data collection system and an inappropriate model for the recreational sector, we continue to be penalized for a rebuilding fishery.

Based on my previous experience of managing a fishery for a state agency, I know the states can do better. The problem is not with MRIP itself, which is actually a pretty good program for what it was designed to do, and that is to be a broad, general survey to measure angler effort and catch across multiple species around our Nation's coasts. It was never intended to collect precise data for a specific fishery that lasts only a few days.

Red snapper harvest estimates are not available until at least a month after the season has ended, so it is impossible to determine if NOAA's best guess at the season length resulted in supposedly too many fish being caught, or the fact that we could have actually fished a few more days.

Frustrated with managing the fishery based on guesswork, the states have developed their own angler data collection programs. As Secretary Barham has mentioned, Louisiana started LA Creel in 2013, which was funded by an increase in license fees, fully supported by their anglers because they trusted that their state agency could do a better job. During its first year alone, LA Creel was able

to survey around 50 times more anglers and intercept around 23 times more harvested fish than the MRIP survey in the state.

But to truly manage a fishery, you need to know more than just what the anglers are harvesting. You need to understand what the population looks like and how it responds to your management actions in real time. Relying heavily, as the Federal model does, on getting a picture of the population primarily by what has landed on the docks is an inherently biased way to approach it. That is why, generally, states assess populations based largely on fishery-independent data, like catch-per-unit effort, as a foundation. Not only does catch-per-unit give you better estimates of population abundance, but this type of fishery-independent sampling allows an opportunity to collect reliable information on size and age structure, relative health of fish within the fishery, et cetera.

This level of understanding of what is going on with the actual population and the capacity to respond in real time is what makes state management more effective than Federal management. One need only look at the state-managed fisheries to see the resounding success of their management approach, both in fresh water and salt water fisheries.

State fisheries managers use the same model, whether managing primarily catch-and-release trophy fisheries, like some large-mouth bass, trout, and snook, or catching grease fisheries, as we would call it in the South, popular harvestable fish like crappie, spotted sea trout, or walleye, because it works, regardless of management.

That is why you practically never hear of fisheries managed under the state model as being overfished or collapsing. Despite what some may lead you to believe, this is not commercial fishermen versus charter-for-hire fishermen versus individual anglers. While the current model is supported by a handful of commercial fishermen fortunate enough to be handed a share of the public resource, it is not appropriate for the recreational sector—either private anglers or the charter-for-hire industry.

The Gulf red snapper population is a public trust resource, and the American public deserves an accountable management system that optimizes access to that resource. H.R. 3094 will provide that accountability, preserve the current commercial fishery as is, and ensure continued sustainability of the red snapper fishery, promote access for all anglers, whether they pay a charter captain to take them to their fish or have the means to catch them themselves.

For this reason, I urge you to support H.R. 3094, and ensure the appropriate management of this important species for the benefit of all Americans. Thank you.

[The prepared statement of Mr. Horton follows:]

PREPARED STATEMENT OF CHRIS HORTON, FISHERIES PROGRAM DIRECTOR,  
CONGRESSIONAL SPORTSMEN'S FOUNDATION

Thank you Mr. Chairman, Congressman Huffman and members of the committee. My name is Chris Horton, and I'm the Fisheries Program Director for the Congressional Sportsmen's Foundation (CSF). Established in 1989, CSF works with Congress, governors, and state legislatures to protect and advance hunting, angling, recreational shooting and trapping.

An avid angler myself, I began my career as a fisheries research biologist for a state natural resource agency. Prior to joining CSF in 2010, I held the position of conservation director for B.A.S.S., the largest angling organization in the world. I currently serve on the Recreational Fisheries Working Group of the Marine

Fisheries Advisory Committee, and I have previously served on the Sport Fishing and Boating Partnership Council for the Secretary of Interior and the board of the National Fish Habitat Partnership. Though perhaps most importantly relative to this hearing today, I'm a private recreational angler who travels to the Gulf of Mexico at least a couple of times each year to fish, both inshore and offshore.

I'm thankful for the opportunity to be back before your subcommittee to discuss the issue of Federal management of our recreational fisheries, and specifically in the context of H.R. 3094. In my 2013 testimony regarding the Marine Recreational Information Program, or MRIP, I tried to convey how this program, though a significant improvement over the previous Federal survey known as MRFSS, would never be able to provide the necessary information for in-season quota monitoring and closures that the Federal system of management requires—especially for Gulf of Mexico red snapper. Two years later, that analysis continues to hold true. As a result of this reliance on inaccurate data and an inappropriate management model for the recreational sector in which to apply that data, anglers in the Gulf have gone from a total of 42 days of Federal red snapper season in 2013, to just 10 days in 2015, despite the healthiest population of red snapper on record. While the current system of management under the National Marine Fisheries Service (NMFS) and the Gulf of Mexico Fishery Management Council (Council) seems to work for the commercial sector, it ultimately penalizes recreational anglers for a rebuilding, and possibly even rebuilt, fishery. The states can simply do better.

MRIP was developed to be a general survey of recreational angling effort and catch across multiple species around the Nation's coasts. It was never designed to have a level of precision to accurately measure angler harvest for in-season closures during relatively short fishing seasons, like Gulf red snapper, which NMFS is specifically required to do under 407(d) of the Magnuson-Stevens Act (MSA). Red snapper harvest estimates are not available until months after the season has ended, so it's impossible to determine if NMFS's best guess at how long to set the season hit its mark, if anglers supposedly exceeded their quota, or if they could have had more days to fish, until well after the season is closed.

A good example of MRIP's inefficiency with measuring harvest of red snapper was in Mississippi this year. Through June 2015, MRIP indicated that Mississippi's recreational anglers landed zero red snapper, while their charter/for-hire fleet landed only 3,500 pounds. Conversely, right next door in Alabama, MRIP estimated the recreational sector landed 2.1 million pounds. It should be noted that this inaccurate data feeds into the Federal stock assessments which determine season lengths for the following year. Thus, the problem continues to perpetuate itself.

Frustrated with managing a fishery based on guesswork, the states have developed their own fishery-dependent data collection programs for their private recreational anglers. As Secretary Barham has mentioned, Louisiana started LA Creel in 2013. Louisiana's anglers even supported increasing their own license fees to cover the cost of the program because they trusted that their state agency could do a better job. Their confidence was justified. During its first year alone, LA Creel was able to survey around 50 times more anglers and intercept 23 times more harvested fish than MRIP surveys in the state. In addition, Louisiana often collects biological information from the fish they count, such as tissue samples and otoliths for ageing, which gives them a better picture of the actual red snapper population—something MRIP never does. The other Gulf states have begun similar programs that are proving to be equally as effective in gathering much more accurate information.

In addition to the significantly more precise fishery-dependent data from the recreational sector, the states have historically and successfully relied on fishery-independent data for a more accurate assessment of fish population condition, as well as a snapshot of how the population is responding to current management actions, in real time. By sampling the actual population, and not what is landing on the docks, you get a clearer picture of population characteristics. Most importantly is estimates of abundance, but also age structure, relative health of fish within the fishery, etc. Their ability to conduct more frequent and accurate population assessments, and the capacity to respond in near real time, is what makes state management more effective than Federal management.

Unlike tuna, wahoo, mahi or other migratory species, red snapper have high site-affinity, meaning they tend to stay in a relatively small area and in localized populations. Since they do not regularly migrate between jurisdictions, it makes sense, biologically, for the states to manage their red snapper fishery off their shoreline independently, rather than as one Gulf wide population as is done under the current Federal management framework. The red snapper population off the coast of Texas can be very different than the red snapper population off the coast of Florida. Likewise, what works best for Texas anglers might not work as well for Florida's anglers. A great example of how the states manage their own fisheries according to

stock health, abundance and angler preference can be found with seatrout. Florida has two different zones of management, one of which allows anglers to harvest four trout, while the other zone allows up to five to be harvested. Conversely, because the habitat and conditions are different, Louisiana's anglers can harvest 25 trout along most of the coast, and only 15 in a few waterways where habitat is more limited. States manage according to the capacity of individual stocks.

One need only look at state-managed fisheries to see the resounding success of their management approach, both in fresh and saltwater fisheries. State fisheries managers use the same model, whether managing primarily catch-and-release trophy fisheries (like some largemouth bass, trout, snook and tarpon fisheries) or harvest intensive fisheries (crappie, catfish, red drum, sheepshead, spotted seatrout, walleye and yellow perch), because it works well regardless of management goals. At the same time, you almost never hear of these fisheries being "overfished" or undergoing "overfishing" as defined in the Magnuson-Stevens Act. In contrast, however, virtually every fishery where there are problems with sustainability and overfishing is occurring, Federal management is in place.

I think the frequent inability of Federal fisheries managers to effectively manage recreational fisheries is a product of how they are required to approach fisheries management. States have a responsibility and mission to manage a fishery for maximum health so that they can provide ample opportunities for the public to enjoy their resource. To do this, they rely on actual, timely population data in addition to estimates of angler harvest. State management success is measured on both a robust fishery and a satisfied public, with no incentive to do otherwise. Unlike the states, Federal managers are required by law to manage a fishery, in part, on the concept of maximum sustained yield (MSY), which by its very definition causes managers to decrease the abundance of a population and squeeze the most pounds out of a fishery while trying not to collapse it. Because of the inherent variability in their assessments that rely heavily on harvest estimates, they must include conservative buffers to keep from exceeding the overfishing limit. The fewer the fishermen in the fishery, the easier it is to achieve this goal. Essentially, the National Marine Fisheries Service (NMFS) has built their management model around the commercial management model of managing or constraining the fishermen to attempt to keep a fishery from failing. But the states' model manages for a healthy population and a robust fishery in order to optimize access for fishermen, both commercial and recreational. From a species conservation, harvest sustainability, and overall public satisfaction perspective, the state approach is simply a better methodology.

Despite what some may lead you to believe, this isn't about commercial fishermen versus charter/for-hire fishermen versus individual anglers. While the current model is supported by a handful of commercial fishermen fortunate enough to be given a share of this public resource, it is not appropriate for the recreational sector, either private anglers or the charter/for-hire industry. The Gulf red snapper population is a public trust resource, and the American public deserves an accountable management system that maximizes access to their resource.

H.R. 3094 will provide that accountability, preserve the current commercial fishery, ensure continued sustainability of the red snapper fishery as a whole and promote access for all anglers, whether they pay a charter captain to take them to their fish or have the means to catch them themselves. For these reasons, I urge you to support H.R. 3094, and in so doing, ensure that one of the Nation's most important marine species is successfully and appropriately managed for the benefit of all Americans.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HON. GARRET GRAVES TO MR. CHRISTOPHER M. HORTON, FISHERIES PROGRAM DIRECTOR, CONGRESSIONAL SPORTSMEN'S FOUNDATION

*Question 1.* We often hear that red snapper management in the Gulf of Mexico is broken because the season in Federal waters is so short—only 10 days this year.

*1a.* But can't anglers legally fish for red snapper in Federal waters 365 days a year, and that only the possession of red snapper is limited?

Answer. While it is not illegal to catch red snapper anytime in any jurisdiction, the requirement to release the fish outside the very narrow 10-day window essentially denies the recreational angler an opportunity to choose whether or not to harvest the fish. That choice is fundamentally the definition of access to a public trust fisheries resource. When populations are depleted, drastic reductions in effort are understandable, and in fact, are advocated for by recreational anglers. However,

when populations are at record abundance and size, as in the case of Gulf red snapper, this extremely limited access to the fishery is illogical and is the reason for the lack of trust in the ability of Federal managers to fairly and effectively manage the red snapper.

*1b. Are recreational anglers unaccountable to quotas and responsible management?*

Answer. Recreational anglers are the primary supporters of fisheries conservation. Anglers who fish for red snapper abide by the laws regarding season and bag limits, report their catch as required, and purchase the appropriate fishing licenses annually. Essentially, they abide by the rules and regulations they are given and advocate for additional regulations when necessary to protect or enhance the stock. Furthermore, they gladly pay an excise tax on their fishing tackle and equipment, marine electronics and motorboat fuels, all of which goes back to the states to fund fisheries conservation. For these reasons, it is difficult to comprehend how recreational anglers could ever be labeled "unaccountable." Rather, it would be more accurate to say the current, wholly inappropriate system of Federal management is unaccountable to recreational anglers.

*1c. What other factors contribute to a shortened Federal season?*

Answer. The short recreational season in Federal waters is not a result of the potential for recreational anglers to negatively impact the resource, but rather the product of forcing recreational anglers into a system of management designed for commercial fisheries. Commercial fisheries are managed for yield. They are pursued by relatively few fishers, all with (understandably) the same goal—to harvest as many fish as possible as efficiently as possible in order to maximize profit from the sale of whatever species they pursue. Commercial landings can usually be counted or weighed in real time, thus quotas can be enforced in real time. This allows managers to close a fishery before the allowable catch is exceeded. In short, a commercial fishery's catch can be managed in real time and based on verified landings. Managing commercial fisheries based on biomass or yield makes sense.

Managing the recreational component of marine fisheries with similar yield-based parameters, on the other hand, does not. The Gulf of Mexico red snapper fishery is a prime example of where managing a recreational fishery based on total yield, rather than in relation to the health of the fishery, is having a devastating and unnecessary impact on recreational anglers and coastal economies. Even though methodologies to estimate recreational harvest have improved since the last Magnuson-Stevens reauthorization, recreational anglers continue to be penalized as stock biomass increases. The red snapper fishery is as healthy as it's been in decades, with more and bigger fish in the fishery. Because the average weight and abundance of red snapper has increased, seasonal opportunities to access the healthy stock are further reduced each year in order to keep the estimated recreational harvest in pounds under a best guess at an appropriate ACL. Ultimately, the healthier the Gulf of Mexico red snapper population gets, the less anglers can fish. It is absurd to manage fisheries in this way. The current management system simply doesn't work and is an injustice for recreational anglers.

*Question 2. H.R. 3094 states that Gulf Coast state fishery management plans should be consistent with the Magnuson-Stevens Act "to the extent practicable," but does not require them to meet Magnuson standards.*

*2a. How can we be assured that the states will act in the best interests of the resource?*

Answer. Within the mission and/or statutory responsibility of every state natural resource agency is a clear directive to manage the natural resources for sustainability and enjoyment of their people, now and in the future. The mission of the Texas Parks and Wildlife Department, for instance, is, "To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations." Likewise, the Mississippi Department of Marine Resources was created to, ". . . enhance, protect and conserve marine interests of the state. We manage all marine life, public trust wetlands, adjacent uplands and waterfront areas, and provide for the balanced commercial, recreational, educational and economic uses of these resources consistent with environmental concerns and social changes." All five Gulf states have similar goals and missions. Conservation and sustainability for current and future generations are the core tenants of why these agencies exist, and they can't do that without managing for a healthy, sustainable resource first and foremost.

As I stated in my testimony, I think the inability of Federal fisheries managers to effectively manage recreational fisheries, while states seem to succeed easily, is a product of how they are required to approach fisheries management. States have a responsibility and mission to manage a fishery for maximum health so that they can provide ample opportunities for the public to enjoy their resource. They have no incentive to do otherwise. Unlike the states, Federal managers are required by law to manage a fishery, in part, on the concept of maximum sustained yield (MSY), which by its very definition causes managers to decrease the abundance of a population and squeeze the most pounds out of a fishery while trying not to collapse it. The National Marine Fisheries Service (NMFS) has built their management model around the commercial management model of constraining the fishermen to attempt to keep a fishery from failing. Essentially, states manage for the resource first—anglers second, while NMFS just manages fishermen so the inherent uncertainty in their management model doesn't ultimately collapse the fishery. State management is simply more effective for both the resource and the public.

However, perhaps the most compelling evidence that the states will act in the best interest of the resource, despite the lack of specific, inflexible standards of MSA included in the bill, is the fact that the states have successfully managed thousands of fish populations and their associated fisheries, both commercially and recreationally, with few, if any, MSA type guidelines in their own state statutes. For decades they've proven their mission, their responsibility to the resource and the expectation of their citizens are all the guidance they need to be successful.

*Question 3.* We have heard about the failures of NOAA's recreational fishery data collection systems: the Marine Recreational Fisheries Statistics Survey (MRFSS) and the Marine Recreational Information Program (MRIP).

*3a.* Can you describe the purposes for which these systems were originally established? And the purposes for which they have ultimately been used? What have been the assessments from the scientific accountability community?

Answer. Basically, MRFSS and MRIP are programs used to ultimately estimate angler harvest. MRFSS, the first system employed back in 1979, used randomized calls to coastal households, whether they were anglers or not, in the hopes of contacting enough anglers to get a statistically acceptable sample size for harvest estimates. In addition to modifying the survey methodologies, MRIP targets known coastal anglers, so the ability to contact actual anglers, enhanced response rate and the larger sample size is a significant improvement over the old MRFSS system.

However, MRIP was developed to be a general survey of recreational angling effort and catch across multiple species around the Nation's coasts. It was never designed to have a level of precision to accurately measure angler harvest for in-season closures during relatively short fishing seasons, like Gulf red snapper, which NMFS is specifically required to do under 407(d) of the Magnuson-Stevens Act (MSA). Red snapper harvest estimates are not available until months after the season has ended, so it's impossible to determine if NMFS's best guess at how long to set the season hit its mark, if anglers supposedly exceeded their quota, or if they could have had more days to fish, until well after the season is closed.

*3b.* How do you assess that opportunity today? Can consumers access domestic red snapper at markets and in restaurants?

Answer. Yes, and nothing in this bill will impact that availability. The Gulf states successfully manage other commercial fisheries in their waters and will continue to manage for a healthy, viable commercial red snapper fishery if given full management authority.

*3c.* Should the opportunity to purchase red snapper be at the expense of America's sportsmen and women to access this plentiful public resource?

Answer. No, and I believe you can manage this fishery to balance access for both America's anglers and members of the public who do not fish, but who enjoy eating Gulf-caught red snapper. Under the current management model, only commercial fishermen benefit. State-based management under H.R. 3094 would ensure that each sector, both commercial and recreational (and thereby the general public at large), have the appropriate access to the resource.

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Dr. FLEMING. Thank you, Mr. Horton.  
The Chair now recognizes Mr. Jarvis for 5 minutes.

**STATEMENT OF GARY JARVIS, OWNER, BACK DOWN 2  
CHARTER FISHING, DESTIN, FLORIDA**

Mr. JARVIS. Chairman Fleming, Ranking Member Huffman, and distinguished committee members, thank you for giving me this opportunity to share my concerns and thoughts that represent those of thousands of businessmen in northwest Florida and the Gulf of Mexico who are tied to the professional fishing and tourism industry.

For the past 39 years, I have fished for red snapper and other species recreationally and commercially, and have run a highly successful charter-for-hire operation. I am now an investing partner and owner with my two sons in three waterfront seafood restaurants in Destin. I represent my own small business and over 80 charter operators as the president of the Destin Charter Boat Association, the largest federally-permitted for-hire fleet in the Gulf of Mexico. I am also a board member of the Northwest Florida Chapter of the Florida Restaurant and Lodging Association, which has more than a million members in the state.

I want to make clear that this legislation is very controversial among Gulf fishermen, restaurant owners, and others involved in the seafood industry throughout the United States. Many of us strongly believe that if Congress passes this bill, it will harm small coastal businesses, tourism, and the red snapper fishery itself.

I question the need for H.R. 3094 when existing provisions in the Magnuson-Stevens Act are capable of addressing every issue this bill claims to fix. In fact, the rebuilding progress due to MSA has been so effective that this year the annual catch limit for red snapper increased by 30 percent, bringing landings from 11 million pounds to over 14. That is more than two times the entire annual catch limit of 5.1 million pounds in 2005. This increase is a result of uniform Gulf-wide management, and it happens even with the states actively working against Federal management by opening longer seasons in their state waters.

The MSA has been the gold standard of resource management for 40 years. This bill would take a single species of fish out of the MSA under the guise that somehow individual coastal states can manage it better. This proposal would give five state wildlife directors total control over a valuable fishery, and create a system with less oversight, fewer checks and balances, fewer resources, fewer science protocols, and little to no stakeholder input. A three-member voting body could dictate winners and losers in the red snapper fishery. And, for our fleet, that is worrisome.

There are no specifics in this bill to show how the states will pay to duplicate stock assessment resources for one species. This plan is a monetary black hole and creates inefficiencies and bureaucracies that do not make good sense. There has been no proof that this would actually result in better management. In my opinion, H.R. 3094 will open the door for special interests, political malfeasance by taking red snapper management out from under the oversight of congressional stewardship and Federal law.

Proponents of this bill do not offer any road map for how H.R. 3094 is to address failures in the Federal management of red snapper by the Gulf Council and the five Gulf states. They already

have significant influence in management decisions through the Gulf Council.

This legislation stems from the so-called problem that was created, in part, by the states themselves. The states continue to extend red snapper season in their waters, despite the majority of the red snapper biomass existing in Federal waters. These state policies have only hurt the private angling fishing experience. And now, much of the yearly recreational allocation is caught in state waters, while Federal waters are closed, blocking our charter customers' access to the fishery.

The federally-permitted commercial and charter-for-hire sectors have worked tirelessly through the Regional Council process and under Federal law to develop fishery management plans that will work to increase public access to the red snapper fishery, to promote tourism, commerce, and successful fishing businesses Gulf-wide. It is only the private boat lobby and their state agencies who want to circumvent Federal law to suit their own needs, without coming up with any concrete solutions. The recreational angler organizations have the same opportunities and the same capabilities as we do to work through the Council process.

H.R. 3094 is a private boat lobby's attempt to take a public resource from the majority of our Nation's citizens to create an elite, private angler fishery. Most Americans cannot afford blue water fishing boats that cost \$75,000 to \$300,000 to access red snapper. That is another reason why we object to this legislation. We feel all Americans should have a form of affordable access to wild-caught Gulf seafood, whether on a plate or at the end of a pole aboard an affordable charter trip.

Remember, our businesses are the access portal of federally-managed species for the majority of the U.S. population and your constituents. The entire allocation for charter-for-hire and commercial fishing companies are caught or consumed by the U.S. public. For these reasons we want no part of H.R. 3094 or the attempt by the private boat lobby to rob our for-hire customers and seafood consumers of their historical access to this Nation's fishery resource.

On behalf of the Destin Charter Boat Association, and in my individual capacity as a northwest Florida businessman and community representative, I respectfully ask the subcommittee members to end this attempt to circumvent the MSA and to keep the Gulf red snapper fishery under Federal management. Thank you.

[Applause.]

[The prepared statement of Mr. Jarvis follows:]

PREPARED STATEMENT OF CAPTAIN GARY JARVIS, OWNER, BACK DOWN 2 CHARTER FISHING INC., DESTIN, FLORIDA

Chairman Fleming, Ranking Member Huffman, and members of the subcommittee: I would like to thank you for the opportunity to express my professional perspective on H.R. 3094, the Gulf States Red Snapper Management Authority Act. I approach this legislation with multi-faceted experience, a lifetime of participation in Gulf of Mexico fisheries, and a commitment to the proper management of Gulf of Mexico reef fish and red snapper fisheries.

Every aspect of my life has revolved around healthy and robust Gulf fisheries. For the past 39 years I have plied my trade and provided for my family by spending a large portion of my life at sea in the Gulf of Mexico. During the course of my fishing career I have worn many hats, including that of a recreational fisherman

operating a successful charter for-hire business during the summer and that of a high lining commercial fisherman in the winter. As my career is slowly coming to a close, I have further integrated my life in these fisheries by wearing the hat of investing partner and owner with my sons in three waterfront seafood restaurants located on Destin Harbor and Choctawhatchee Bay.

I come before this committee as a representative of my own small mom and pop fishing company, and as president of the Destin Charter Boat Association whose members make up the largest federally-permitted charter-for-hire fleet in the Gulf of Mexico. I am also actively involved in promoting the entire Destin and Northwest Florida tourism community as a board member for the northwest Florida chapter of the Florida Restaurant and Lodging Association, the largest professional association in the state with over a million members. My comments will address my concerns with this proposed legislation, as well as the concerns of stakeholders in the red snapper fishery that I represent in northwest Florida and throughout the Gulf of Mexico.

First, I want to make clear that this legislation is very controversial among fishermen. Many of us strongly believe that if Congress passes it, it would be harmful to the fishery, and in short order, small coastal businesses and coastal tourism. I question the need for H.R. 3094 when there are existing provisions within the effective Magnuson-Stevens Act that address every issue that this Bill claims it can fix.

Although the law isn't perfect, most everyone in this room can acknowledge that the Magnuson-Stevens Act has done and continues to do its job. It has been so effective, in fact, that it exceeded even the authors of the legislation expectations. This legacy law has been the gold standard of resource management for decades. The original authors had assured that this historical law would remain relevant through the decades because they saw fit to add provisions that would allow future legislators to periodically improve the law and address any modern issue that has arisen over its 40 year existence.

Even though the MSA has served our Nation well and provides the flexibility to make needed improvements, some want to circumvent this existing fair and open public Federal fishery management process to get what they want. This Bill will take a single species of reef fish out of the MSA under the guise that somehow the individual coastal states can do a better job. But it is far from clear that this would actually manage the resource better, particularly when the bill would set up another bureaucratic entity with no written plans, no written state laws or state constitutional language that lay out resource management frameworks. In my professional opinion, H.R. 3094 will open the door for special interest political fishery management malfeasance by taking red snapper management away from established Federal law and the oversight of congressional stewardship.

The rebuilding progress due to MSA provisions has been so effective that this year the Gulf of Mexico Fishery Management Council was able to approve a 30 percent increase in the annual catch limit for red snapper, bringing landings from 11 million pounds to over 14 million pounds. That is more than two times the entire annual catch limit of 5.1 million pounds in 2005. This increase is the result of uniform, gulf-wide management and happened despite that each of the five Gulf states had red snapper seasons inconsistent with the Federal season in 2015. Even with the states actively working against Federal management, provisions within the MSA are rebuilding the stock and ultimately expand long term access to red snapper for all Americans.

Charter-for-hire captains throughout the Gulf, and many commercial fishermen, chefs, and others involved in the seafood industry, are deeply concerned that this legislation will lead to an eventual, exclusive recreational fishery for Gulf of Mexico red snapper. My greatest concern is that this proposed legislation will give five state wildlife management directors total control of an individual iconic fishery in a system that has less oversight, fewer checks and balances, fewer financial and staff resources, less mandated science protocol, and less stakeholder input. It will create the reality that a three-member voting block out of five state directors can dictate who wins or loses in red snapper access issues. How can this system more effectively manage red snapper and not fall prey to local state-against-state politics, special interest policies, or unsavory influences that may harm other stakeholders in the fishery, and the fishery itself?

What is left out of this proposed shift in management responsibility is the concern for the resource. Where will be the focus when the state next door has a longer season than yours does? Will protecting the resource still be the focus? Proponents of H.R. 3094 made it clear that the new Gulf states management agency is modeled on the striped bass plan put into place by the Atlantic States Marine Fisheries Commission and tout it as a state management success. But that plan as well as this one does not require the ending of overfishing or rebuilding overfished stocks.

It also did not require the same biological benchmarks and best available science mandated in MSA. And today that success story has now become a failure as striped bass stocks are in steady decline and soon will be required to be declared overfished.

Proponents of this bill do not offer any roadmap for how H.R. 3094 is to address supposed failures in the Federal management of red snapper by the Gulf Council and NMFS. The five Gulf states already have significant influence in red snapper management decisions through the make-up of the Gulf Council. Under the guidelines of the MSA, 17 members vote on the Gulf Council, and only one is a Federal employee who addresses the position of NMFS and gives guidance to the rule of law and the process. Five voting members are paid state employees who express and address the specific policy of each state commission. In fact, the state directors themselves can all sit on this Council and express their views and vote on issues before the Council. The remaining 11 voting members are all appointed by each state governor and approved by the Secretary of Commerce.

Sixteen out of 17 voting members have direct ties to all five coastal states and their governors and state commissions. So the same state directors who already have the capability to manage and address their state's needs are asserting that the present system has failed. That seems hypocritical considering that those state agencies are also responsible for recreational data collection and establishing co-management policies with NMFS for the entire red snapper fishery. So now they say trust us, we can manage this Federal resource better without your congressional oversight and Federal guidelines while they are asserting that they failed at it. I say this tongue in cheek, but something smells fishy!

Leaders of the private recreational groups that are pressing for this bill have taken a "let them eat tilapia" attitude to the majority of American consumers and public saltwater anglers who access Gulf Federal fisheries via federally-permitted commercial and charter for-hire vessels and businesses. Although these two sectors of the red snapper fisheries have tried to find compromise with the private boat lobby, it has now become apparent that their end game is not to share the resource in a fair and equitable manner but to end the commercial fishery, the seafood consumer's access nationwide and any other entity that would compete for their members' access, including the federally-permitted charter for-hire fleet.

Gulf states have already shown a desire to squeeze out those who want to fish in Federal waters on charter-for-hire vessels by extending red snapper recreational seasons in the state waters they manage. This state water loophole has squeezed out our clients for more than 6 years, and this legislation opens the door for Gulf states to do more of the same. This scorched-earth policy has allowed the yearly recreational red snapper allocation to be caught by private boat anglers in state waters while the Federal EEZ is closed, preventing our customers their historical access to the fishery. Through the Council process and by following the mandates of the MSA, Sector Separation (Amendment 40) will prevent us from being handicapped by the harmful actions of the states and their commissions. And after working for 8 years to become good stewards of this resource, we come to Washington to fight this latest attempt to put us back under the yoke of those same scorched-earth policies promoted by the states. The federally-permitted commercial and charter for-hire sectors have worked tirelessly through the Council process and under Federal law to develop fishery management plans that work for increased public access to the rebuilding red snapper fishery, promote tourism, commerce and successful fishing businesses Gulf-wide. It is only the private boat lobby and their state agencies who want to circumvent Federal law to suit their own greed without coming up with solutions.

H.R. 3094 would exempt red snapper from successful management standards but still leave the Federal Government with the bill. Management would be turned over to the states with little oversight and virtually no standards or accountability and there is no plan in the bill that would determine how the states will pay for this new responsibility. Fiscally, this plan is a black hole and creates inefficiencies in bureaucracy that do not make good sense in our current budgetary climate. The states have the same capability as do we to work through the MSA-mandated Council process to transfer management of those portions of the fishery that desire it to the states. But our fleet has the ability to effectively manage the portion of allocation set aside for the non-boat owning saltwater angler and want no part of state management because we have no confidence in their ability to treat our customers and industry in a fair manner.

On behalf of the Destin Charter Boat Association and in my individual capacity as a northwest Florida businessman and community representative, I respectfully ask the subcommittee members to end this attempt to circumvent the MSA and keep the red snapper fishery under Federal management. Amendment 40 has given the charter for-hire sector the ability to effectively manage the portion set aside for

the non-boat-owning saltwater angler, and we have faith that the successes realized under the MSA will continue. For these reasons, we want no part of H.R. 3094 as well as the veiled attempt by the private boat lobby to rob our customers and seafood consumers of their historical access to this Nation's fish resources.

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Dr. FLEMING. Thank you, Mr. Jarvis. The Chair now recognizes Mr. Zales, President of the National Association of Charterboat Operators.

**STATEMENT OF ROBERT F. ZALES, PRESIDENT, NATIONAL ASSOCIATION OF CHARTERBOAT OPERATORS, HURLEY, MISSISSIPPI**

Mr. ZALES. Chairman Fleming, Ranking Member Huffman, and members of the subcommittee, my name is Robert F. Zales, II. I am appearing today on behalf of the National Association of Charterboat Operators. Thank you for your invitation to present testimony on H.R. 3094, that will add desperately needed and long overdue flexibility to the management of Gulf of Mexico red snapper by allowing the five Gulf states the ability to take over management.

NACO represents charterboat owners and operators across the United States, including the Great Lakes, with a substantial membership from the Gulf of Mexico. My family and I have been in the charter and commercial fishing sectors for 50 years. Until this May, I was actively involved in fishery management for over 26 years, providing advice, testimony, publications, and helping to design charter fishing data collection programs on Federal, state, and local levels. Due to my mother's recent medical issues that began this past April, I have resigned from all the voluntary advisory positions I have held to take care of her, but still stay abreast of all issues that affect my industry.

The majority of the members in the Gulf have no confidence in the continued management of red snapper by the NMFS. Stakeholders have made multiple requests to state marine source agencies to take over data collection and provide more local control over red snapper, resulting in all five Gulf states developing new and improved data collection methods and an improved effort in Congress to advance H.R. 3094.

We have worked with Congress to make positive changes to the MSA on collection of recreational fishery data and other management issues. Current requirements of the MSA are overly restrictive, require arbitrary rebuilding timelines based on no science, and do not allow any flexibility in management. Flexibility in management must be allowed, which is why we fully support and encourage the passage of H.R. 3094.

Problems with the NMFS management of red snapper are many, and apparently cannot be fixed under Federal management. In the Gulf of Mexico, when you put a baited hook in the water, odds are you will catch a red snapper. While the red snapper biomass continues to increase, the number of days available to the recreational sector has steadily declined since 1996, and has been drastically reduced since 2007.

When you view the biomass growth of red snapper over time, you see a steady upper trend with no decline in any year, regardless

of any quota over-runs. The NMFS has consistently punished the recreational sector by reducing allowed days of fishing for red snapper due to over-runs which have never adversely affected the growth of the fishery or restricted any efforts to reach the rebuilding target.

In 2009, in retaliation to the state of Florida and a charter-for-hire fleet for their action to keep state waters open to recreational red snapper fishing when the NMFS closed the EEZ, Dr. Crabtree had the Gulf Council pass a regulatory amendment, typically known as 30B, that restricted all federally-permitted charter-for-hire vessels to compliance with Federal regulations, regardless of where they fish. This single act created more disruption and division among the recreational sector than any other action I have witnessed, and caused a significant rift in the recreational angling community.

The 30B rule has denied access and the opportunity to catch red snapper to thousands of recreational anglers. Charter vessel owners and operators do not harvest recreational fish, the recreational angler on board does. Charter vessels are simply the platforms providing anglers the opportunity to fish recreationally.

The Environmental Defense Fund was successful, scheming with the NMFS and a small group of red snapper commercial fishermen, in instituting IFQs in 2007. The majority of the commercial red snapper quota is owned by a small group of individuals, who the NMFS has enriched—really made millionaires by giving them the public fishery resource. Over 15 percent of the red snapper commercial quota is owned by people who do not even own a vessel, as they do not fish the IFQs. Rather, they lease their shares to other commercial fishermen, much like old-time plantation owners who allowed sharecroppers to farm the land.

The well-funded effort by EDF through their shill, puppet organizations such as the Charter Fishermen's Association, Shareholder Alliance, and Gulf Seafood Institute, over the past several years has resulted in the recently NMFS-approved amendment 40, severing the recreational charter-for-hire sector from the recreational sector. This amendment was approved by a 9–7 Council vote over thousands of objections and public testimony provided by stakeholders. The majority of permitted charter-for-hire vessel owners do not support this segregation.

The pseudonym for EDF in the Gulf is Charter Fishermen's Association. Despite CFA assertions, the majority of the charter-for-hire fleet opposes the status quo and supports H.R. 3094.

Recreational fisheries are not commercial fisheries and cannot be managed the same way. Red snapper management is not a one-size-fits-all scheme. Every area between Key West and Brownsville has different fishing seasons, tourist seasons, and needs. States provide improved and more accurate recreational data, as has recently been proven in Louisiana, Alabama, Mississippi, and with new efforts in Florida. Each state has proved to be a successful steward of both state- and federally-managed species.

Regional management makes it easier for the public to participate through more local and more convenient outlets. States will have the ability to use a superior management program, as done—

Dr. FLEMING. Sorry, Mr. Zales. Your time is up and we do want to get the other witnesses in before we recess.

Mr. ZALES. Thank you for your time, I will answer any questions. [The prepared statement of Mr. Zales follows:]

PREPARED STATEMENT OF CAPT. ROBERT F. ZALES, II, PRESIDENT, NATIONAL ASSOCIATION OF CHARTERBOAT OPERATORS

Chairman Fleming, Ranking Member Huffman, and members of the subcommittee, my name is Robert F. Zales, II and I am appearing today on behalf of the National Association of Charterboat Operators (NACO). I wish to thank you for your kind invitation to present testimony on H.R. 3094 that will add desperately needed and long overdue flexibility to the management of Gulf of Mexico red snapper by allowing the five Gulf states the ability to take over management of this species.

NACO is a 501(c)(6) non-profit trade association representing charter boat owners and operators across the United States including the Great Lakes with a substantial membership from the Gulf of Mexico. My family and I have been in the charter and commercial fishing sectors for 50 years with concentration of charter fishing over the last 10 years. Until this past May I have been actively involved in the fishery management process for over 26 years providing advice, testimony, publications, and helping to design charter fishing data collection programs on Federal, state, and local levels. Due to my mother's recent medical issues that began this past April I have resigned from all of the voluntary advisory positions I have held for over 26 years to take care of her but still stay abreast of all issues that affect my industry.

Let me start by stating the vast majority of our members in the Gulf have absolutely no confidence in the continued management of red snapper by the National Marine Fisheries Service (NMFS). Over the past several years stakeholders have made request after request to the State Marine Resource agencies to take over data collection and provide more local control over red snapper management. These efforts have resulted in all five Gulf states to developing new and improved data collection methods and an important effort in Congress to advance H.R. 3094 that will provide state control of red snapper. Once the State Marine Resource agencies are provided the authority to manage red snapper you will see more support and more involvement in helping the states develop local management plans that will benefit all recreational anglers.

For many years we have worked to institute change in the traditional management system of the NMFS by attempting to work with the agency. We have worked with Congress to make positive changes to the Magnuson-Stevens Fishery and Conservation Management Act (MSA) on collection of recreational fishery data and other management issues. While our efforts to work with the NMFS and Congress have helped improve some management measures, unfortunately, they have not been near enough. Sadly, we are acutely aware of the devastating impacts of the last reauthorization of the MSA as amended through January 12, 2007 to fishermen, their families, supporting businesses, and fishing communities by the increasing loss of JOBS. The current requirements of the MSA are overly restrictive and require arbitrary rebuilding timelines based on no science. The rigid requirements of the MSA prevent the management Councils from having any flexibility in recommending management measures that will rebuild our resources while allowing fishermen to fish. Both can and should be allowed which is why we fully support and encourage the passage of H.R. 3094.

Our problems with the NMFS management of red snapper are many and apparently cannot be fixed under Federal management. While the scientific modeling of the red snapper stock is now showing improvement, it is far behind what we experience in the real world. In the Gulf of Mexico when you put a baited hook in the water odds are you will catch a red snapper. Red snapper has been managed in the Gulf since the early 1980s when we could hardly find a red snapper to where they are almost all we catch, yet the number of days available to the recreational sector has steadily declined since 1996 and have been drastically reduced since 2007. While the NMFS has failed to provide timely and accurate red snapper stock assessments during this period the five Gulf states have been able to manage their own stocks of red drum, speckled trout, and other state regulated species. Florida has also properly managed snook. *While Federal management has consistently reduced access and opportunity to recreational anglers the states have steadily increased access and opportunity.*

Red snapper is not the only fishery where the NMFS has failed in management. I started in the fishery management process over 26 years ago working with king

mackerel when the quota had been reduced to 2 million pounds, the lowest ever. Over the last 26 years, every mackerel stock assessment has shown some increase in biomass except for the last few years where it has been static. Every Science and Statistical Committee recommendation during this period was to only allow fishing to the 50 percent level of available biomass and they consistently told the Council if their recommendation was exceeded the fishery would never grow and could collapse. Until the 2007 Reauthorization of the MSA in most years the Council set the Total Allowable Catch at the edge of the overfishing level exceeding the SSC recommendation. Since 2007 the Council has set the TAC at the SSC recommendation. From 1988 to 2005 the harvest of king mackerel not only met the TAC but in most years exceeded the TAC. In all years the stock increased in biomass contrary to the SSC recommendations as can be seen in every graph developed. The current king mackerel stock assessment indicates the stock is heavily weighted by older fish yet we catch all sizes. The red snapper fishery has responded in a similar fashion as regardless of any perceived over run of the TAC over the rebuilding period, the stock has steadily increased in biomass. The latest trigger fish stock assessment indicates the stock is declining yet we see a steady increase in abundance and size of trigger fish. The NMFS has bragged about their success and use as their shining example of expert fishery management the complete rebuilding of the Gulf gag grouper fishery, yet gag grouper are rarely caught in both the recreational and commercial fisheries. In fact the recreational fishery has only harvested a little more than 50 percent of the quota the past 2 years and the commercial quota, also managed under an IFQ program, has only harvested 70 percent in 2014 and only 45 percent to date for 2015. When you view the biomass growth graphs of red snapper and king mackerel over time you see a steady upward pattern, with no decline in any year, regardless of any quota over runs. *The NMFS has consistently punished the recreational sector by reducing allowed days of fishing for red snapper due to over runs which clearly have never adversely affected the growth of the fishery or restricted any efforts to reach the rebuilding target.* You can clearly understand why we feel the NMFS is not capable of and/or unwilling to manage recreational fisheries.

In 2009, in retaliation to the state of Florida and the charter for-hire fleet for their action to keep state waters open to recreational red snapper fishing when the NMFS closed the EEZ, Dr. Crabtree, (Regional Administrator NMFS SERO) had the Gulf Council pass a regulatory amendment (typically known as 30B) that restricted all federally-permitted charter for-hire vessels to compliance with Federal regulations. Regardless of what states might allow in their own state waters federally-permitted charter for-hire vessels must comply with the strictest Federal regulations for red snapper in Federal and state waters. This single act has created more disruption and division among the recreational sector than any other action I have witnessed in over 26 years. It has turned angler against angler, charter vessel owner against charter vessel owner, and caused a significant rift in the recreational angling community.

In Florida, as of June 30, 2015, there were 1,747 vessels, including Captains, licensed by Florida to charter for-hire vessel owners that carry up to six or more passengers. These numbers are state-wide as there is no way to distinguish between the east and west coast. Of these 734 are federally-permitted Gulf charter for-hire vessels. This means that when the state of Florida decides, in the best interest of the state and their anglers, to keep red snapper open in state waters 734 charter for-hire vessels cannot provide access to red snapper for the recreational anglers who hire us to provide a platform giving them the opportunity to fish recreationally. The single act of Dr. Crabtree creating the 30B rule has denied access to and the opportunity to catch red snapper to thousands of recreational anglers. Charter vessel owners and operators do not harvest recreational fish, the recreational angler on board does. Charter vessels are simply the platforms providing anglers the opportunity to fish recreationally.

For many years environmental organizations such as the Environmental Defense Fund (EDF) have pushed for vessel fleet reduction by pushing for Individual Fishing Quotas (IFQs), also called Catch Shares. EDF was successful scheming with the NMFS and a small group of red snapper commercial fishermen in instituting IFQs and since 2007 the commercial red snapper fishery has been managed by IFQs. By design the size of the commercial fishing fleet has steadily declined since 2007 (25 percent reduction from 2007 to 2011) under the consolidation of the fleet by the NMFS providing individual ownership of the red snapper resource to select individuals. The vast majority of the commercial red snapper quota is owned by a small group of individuals who the NMFS has enriched—really, made millionaires by giving them the public fishery resource. Today over 15 percent of the red snapper commercial quota is owned by people who do not even own a vessel as they do not fish

the IFQs, rather they lease their shares out to other commercial fishermen, much like the old time plantation owner who allowed share croppers to farm the land. Ownership of red snapper quota with the ability to harvest and sell the fish or lease to others provides more financial return than any stock available on the stock market.

Because of the 30B rule for federally-permitted charter for-hire vessels and the constant reduction of fishing days for red snapper by the NMFS there has been an active push by the NMFS and EDF funded and supported puppet fishing associations and a small group of federally-permitted charter for-hire vessel owners to segregate the permitted for-hire vessels from the total recreational sector and to institute Catch Shares for red snapper on the fleet. The well-funded effort by EDF through their shill, puppet associations, such as the Charter Fishermen's Association, Shareholder Alliance, and Gulf Seafood Institute, over the past several years has resulted in the recently NMFS-approved amendment 40 severing the recreational charter for-hire sector from the rest of the recreational sector. This amendment was approved by a 9-7 Council vote over the thousands of objections and public testimony provided by stakeholders. The vast majority of permitted charter for-hire vessel owners do not support this segregation. By instituting Catch Shares (IFQs) in the for-hire fleet the Federal Government will cause a reduction of vessels available to the public thus reducing access and availability to the fishery. *This effort is the NMFS answer to their failure to properly manage the recreational red snapper fishery.*

NACO fully supports H.R. 3094 which would move the management of Gulf red snapper to the five Gulf states. I submit that the vast majority of charter for-hire vessels owners, including federally-permitted vessels owners, are fed up with the failure of the NMFS management as has been demonstrated at countless Council meetings and communications from constituents. The pseudonym for EDF in the Gulf is the "Charter Fishermen's Association." Despite the CFA assertions, the majority of charter for-hire fleet opposes the status quo, and we support Representative Graves' legislation, H.R. 3094.

Recreational fisheries are not commercial fisheries and cannot be managed in the same way. Recreational fishing is more popular than golf in the United States and recreational anglers want access to public fishery resources where they have an opportunity to catch. State Marine Resource Agencies have a better understanding of the importance of recreational fishing and provide more access to public participation in their management efforts which has shown to provide a more efficient and better management system. All you have to do is look at the successes of state managed marine resources. State Agencies can act faster than the NMFS on all issues of management from allowing more access to abundant resources to reacting to natural or manmade disasters.

In particular, red snapper management is not and should not be a one-size-fits-all scheme. There are 866 miles of coastline from Key West, Florida to Brownsville, Texas and every area in between has different fishing seasons, different tourist seasons, and different needs. Each of the five Gulf states knows far better of their needs and have proven their ability to properly manage their marine resources. States can provide improved and more accurate recreational fishery data as has been recently proven in Louisiana, Alabama, Mississippi, and with new efforts in Florida. State Marine Resource managers provide more timely stock assessments and better understand the social and economic impacts of recreational fishing.

H.R. 3094 requires the states to provide a management plan that will provide how to conduct assessments, data collection, and annual management measures and timelines. New data collection programs are already in place or are being designed. State enforcement agencies are better equipped to handle enforcement and address any enforcement issues. State management of fisheries in Federal waters is currently allowed; an example in the Gulf is red drum where the states must meet Gulf wide conservation goals but are allowed the flexibility to meet those goals. The Gulf states are already responsible for managing commercial and recreational fisheries in state waters and share management for several species with other states. Each state has proven to be a successful steward of both state- and federally-managed species. Funding is already provided by the NMFS to the states for data collection and enforcement. NOAA funds the data analysis so that funding will simply need to be reallocated from the NMFS to the states to conduct the analysis.

At this time stakeholders have not had an active part in developing the framework created by the State Marine Resource Directors. Because this is a framework for action no state has provided any true concept of how the new management system will work. Because State Marine Resource Commissions routinely act based on much stakeholder input we can expect any proposed management plan to include a major role from all stakeholders in the development of a plan. In fact, the regional

management proposal offers stakeholders more opportunities to participate in the management process through the states' existing legislative and regulatory processes, commission meetings, various committees and task forces, public outreach meetings and surveys. Regional management makes it easier for the public to participate through more local and more convenient outlets.

Regional management provides the individual states the flexibility to review all approaches for assessing and managing the fishery and to select strategies that fit best. With respect to assessment, the individual states will look for strategies that provide the most accurate picture of the stock and fishery status, including models based on fishing mortality estimates and spawning potential ratios (similar to what is currently used); simpler analyses based on relative abundance trends, size of fish, and geographic distribution; or models based on numbers of fish removed as opposed to fishing mortality estimates. Regardless of the method used, assessment strategies will go through a thorough scientific review from the states and must show that harvest levels are sustainable. The states must routinely assess the health of the fishery in their waters, and periodically, cooperatively assess the health of the stock Gulf-wide.

The states will have the ability to use a management strategy that best fits the fishery as it is accessed by their state's anglers. Each state must assess the efficacy of their actions on an annual and ongoing basis and make adjustments (in-season if necessary) in response to the latest information about the stock and fishery to maximize fishing opportunity.

This approach recognizes there are regional differences in the fishery based on how the fishery developed, the needs of the state regarding the fishery, and local tradition and practice. This is a superior approach to the current management system, which treats red snapper as one stock, fished one way across the entirety of the Gulf. In Florida such an approach could help develop a Florida Management Plan that could allow red snapper fishing in the fall and winter south of Tampa and spring and summer north of Tampa. Federally-permitted charter for-hire vessels would not be restricted by the 30B rule.

Each Gulf state would formally agree to comply fully with management measures developed through the Plan under a memorandum of agreement. The GSRM plan allows states to request additional accountability options through the U.S. Secretary of Commerce if a state or states adopt measures deemed to be inconsistent with the plan.

As pointed out above the current NMFS management system has failed to properly manage red snapper, especially the users. Stock assessments every 4 years or more are inadequate. A recreational data collection and analysis system that was never developed to track quotas or conduct in season adjustments is only slightly better today than 26 years ago, even under the 2007 Congressional mandate to develop a more accurate improved system. Currently and over the past 3 years the Gulf Council and NMFS are working to develop and implement an electronic data collection system for the charter for-hire fleet. This system is still years away from implementation all the while the states of Louisiana, Alabama, and Mississippi have *considered, developed, and implemented new data collection systems in less than a year*. Constant efforts by the NMFS to create disruption among the commercial and recreational sectors and now between the recreational charter for-hire and private recreational sectors only proves the NMFS has failed to properly manage this fishery.

Just in my small coastal community of Panama City, Florida, according to the local Tourist Development Council, 15 percent of Tourism Dollars comes from salt-water recreational fishing. The complete failure by the NMFS to properly manage red snapper has cost my community and others countless revenue and adversely affected small family businesses. Efforts by the Gulf states to keep their waters open after the NMFS has closed the fishery have helped to enhance the social and economic conditions of the coastal communities while the additional harvest of red snapper has not harmed the resource as it continues to grow every year. It is clear the states can better manage the fishery as they have proven in their management of their own resources. Stakeholder involvement is more effective on the state level as the state resource agencies respond much faster to that concern. We view state management as our only savior in being able to have access to the resource so we have an opportunity enjoy it.

Mr. Chairman, this concludes my testimony. Again, I truly appreciate the invitation and opportunity to provide you and the committee with this information. I will be pleased to respond to any questions.

QUESTIONS SUBMITTED FOR THE RECORD BY THE HON. GARRET GRAVES TO CAPTAIN BOB ZALES, PRESIDENT, NATIONAL ASSOCIATION OF CHARTERBOAT OPERATORS

*Question 1.* Does the charter/for-hire (CFH) fleet support status quo management of Gulf red snapper?

Answer. The answer is NO. The NMFS has failed to provide proper management of this fishery for the recreational sector, which includes CFH vessels. Their failure to provide an adequate data collection system, even with the few modifications over the years, continues to constrain access to an ever growing resource. I know of no one who fishes who supports the current Federal management system.

*Question 2.* How would H.R. 3094 impact my business?

Answer. H.R. 3094 would allow the five Gulf states to manage their state fishery as best fits their stakeholders to provide the conservation and economic and social benefits of the resource off their respective state. Each State Marine Resource Agency could design management on their need. An example in Florida is that the FWC could establish different seasons, bag limits for the northwest coast and southwest coast of the state providing access to all stakeholders where current Federal management does not allow access to southwest Florida due to the current established season beginning June 1 and ending in a few days each year. The southwest Florida season for most fisheries is in the fall and winter. Under H.R. 3094 each state could also set a different season for CFH vessel owners versus private recreational anglers such as maybe a set number of continuous days for the CFH vessels and weekends only for private recreational. The State Marine Resource Agencies routine can react to management change within a year so that is a plan is implemented but is not working as expected the plan can be modified quickly. The Federal system takes 3 to 5 years or longer to make such adjustments.

*Question 3.* There were several fold more commercial red snapper fishermen prior to the IFQ system in 2007, yet are less than 400 now. Even fewer actually fish their shares.

*3a.* Do you have concerns that the CFH sector will follow the same path, ultimately getting to a point where only a few charter captains have the ability to take customers fishing for snapper?

Answer. Yes, There is currently serious discussion on the Gulf Council, being pushed by a few CFH vessel owners who have both Federal charter fishing and commercial fishing permits attached to their vessel. These same owners own some red snapper commercial quota which they would like to be able to convert to recreational fish. The whole sector separation issue which is currently approved under the Council amendment 40 is geared to be able to establish catch shares (IFQs) in the CFH sector. The commercial sector fully supports this concept as they intend to be able to lease their commercial IFQs to the CFH sector so that they not only profit from selling some red snapper to consumers but also will greatly profit from the ability to lease their IFQs to the CFH sector. In my written testimony I reference the concept of "sharecroppers." The commercial IFQ red snapper owners will become even more powerful "fish lords" by owning and then profiting more by including CFH vessel owners in their sharecropper community. As with every fishery that has instituted catch shares (IFQs) in the United States you see dramatic fleet reduction. The whole purpose of catch shares (IFQs) is to reduce capacity thus fleet reduction and elimination of fishermen. If an IFQ system is created for the CFH sector you will see such dramatic fleet reduction which will reduce access to anglers seeking the CFH service. The anglers (consumers) will see less access to the fishery and dramatic increases the cost of a charter. The economies of local fishing communities will suffer as result and the CFH sector as we know it today will be forever changed.

*Question 4.* The Gulf Council is currently moving forward with an IFQ program for the charter/for-hire sector.

*4a.* As a federally-permitted charter captain, I stand to personally gain from an IFQ, yet I am opposed. Why?

Answer. As I stated above if the CFH sector goes to an IFQ system local fishing communities will suffer. While I will profit greatly and frankly if such a system is pushed on the CFH sector I will consider becoming a "fish lord" and lease all my quota, my community, my fellow CFH vessel owners, and the fishery itself will suffer. Many fellow CFH vessel owners will go out of business. Access to the fishery will be reduced to anglers. CFH vessels fishing for red snapper may be reduced in areas which could change access points for the fishery. Areas where anglers now go to hire a CFH vessel could disappear. The whole fishery will change and be placed

in the hands of a few. Public access to the public resource will be limited. In America I was raised and educated to believe that everyone has a right to pursue their dreams. While other CFH vessel owners may have a more successful business than mine and I may have one more successful than others, free competition in business is the way to success. Privatizing a public resource eliminates free enterprise and fair competition. Government should not dictate if I win or lose, my efforts to create a successful business should be allowed for what I do, not what is gifted to me. We all should an opportunity to compete on a fair field. Basically, it is just not right.

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Dr. FLEMING. OK, Mr. Zales, thank you for your testimony. Mr. DeLaCruz, you are recognized for 5 minutes.

**STATEMENT OF JASON DELACRUZ, PRESIDENT AND COO,  
WILD SEAFOOD COMPANY, EAST MADEIRA BEACH, FLORIDA**

Mr. DELACRUZ. Thank you, Chairman Fleming, Ranking Member Huffman and members of this subcommittee. Thank you for the opportunity to address you to promote the proposed Gulf States Red Snapper Management Authority Act. My name is Jason DeLaCruz, I am a commercial spear fisherman and a fish house owner in Madeira Beach, Florida.

Let me start by saying that I cannot support this proposal, and neither can the commercial fishermen and seafood suppliers in Florida and Texas that I speak for today. H.R. 3094 will undermine the commercial fishing businesses and our ability to provide the American people with sustainably-harvested red snapper. My message here today is consistent to what we have heard from the commercial industry from day one. I cannot support state management of the commercial red snapper fishery in the Gulf of Mexico.

Our fish house, Wild Seafood Company, handles more than three-quarters of a million pounds of fish. My business is made up of 15 boats, 50 captains and crew, and 15 staff. I also sell bait, tackle, and ice to the recreational public at my marina.

When I am not at the dock or in the water, I am improving the way fisheries management is handled in our Gulf. I am a member on the Fishery Advisory Panel for the Gulf Council and am part of the Fishery Advisory Committee for Congressman Jolly in my local county. I am also the Vice President of the Gulf of Mexico Reef Fish Shareholders' Alliance, and the Executive Director of Gulf Wild, two industries working hard to improve fishery management and also seafood traceability in the Gulf.

Sometimes I wish for simpler days, when I just got to go spearfishing and do what I love. But being a fisherman today is not just about catching fish any more, it is about finding solutions to preserve the long-term health of our fisheries and our business. To that end, I would like to address three points.

My first point is that commercial fishing is a success under the Magnuson-Stevens Act and should not be turned over to the Gulf states. Magnuson-Stevens is the bipartisan backbone of the management system and the reason that we have a rebounding red snapper fishery today. Strict rebuilding requirements, mandatory accountability measures, and a common core of conservation have tripled the commercial quota in the last 10 years, as a testament to its effectiveness as a Federal fisheries law.

The new commercial program, that was put in place in 2007, has kept us remaining within our quota and our science-based quotas, and fishing year-round. Fishing businesses are profitable, the flow of fish in the marketplace is stable and growing, and the fishing and shoreside jobs are being promoted. Don't undermine this by turning this fishery over to the Gulf states.

The second point is that this bill threatens the commercial fishery and the seafood supply chain. H.R. 3094 opens up loopholes that will erode the commercial fishery. It will allow three individuals to eliminate 10 percent of the red snapper fishery every year without discussing it with the Gulf Council, a stakeholder group that, as we know, is accessible by all stakeholders. All five states already voted to take red snapper away from the commercial fishermen and the consumers earlier this year, so why would we think that anything would be any different under the state management?

H.R. 3094 leaves too much to chance. It does not define what is meant by a satisfactory enforcement plan, nor does it define what necessary measures it would use to rebuild the fishery. It only explains that public participation will be adequate. Commercial fishermen are not willing to gamble our businesses on the weakened enforcement, diminished rebuilding measures, and restricted public access to the system.

The third point is that H.R. 3094 sets a dangerous, controversial precedent. The conversation is not just about red snapper, it is about setting a precedent where states can eliminate the commercial fishery. Over 40 commercial fishing organizations on the east and west coasts of the United States and Alaska have come out against state takeover. These organizations represent thousands of commercial fishermen and tens of millions of pounds of commercially-important seafood. These fishermen all oppose this plan.

In conclusion, we want to remain under the Federal fishery management protections and conservation requirements of the Magnuson-Stevens Act. H.R. 3094 threatens our business and sets a controversial precedent to impact fishermen and seafood consumers everywhere. Every fisherman from regions known to this—know this is a bad idea. We cannot support H.R. 3094. Thank you.

[The prepared statement of Mr. DeLaCruz follows:]

PREPARED STATEMENT OF JASON DELACRUZ, OWNER, WILD SEAFOOD CO.,  
JOHN'S PASS, FLORIDA

Chairman Fleming, Ranking Member Huffman, and members of the subcommittee: thank you for the opportunity to address you today regarding the proposed Gulf States Red Snapper Management Authority Act (H.R. 3094).

My name is Jason DeLaCruz and I'm a commercial spear fisherman and fish house owner in John's Pass, Florida. Let me start by saying that I cannot support this proposal and neither can the commercial fishermen and fish house owners from Florida to Texas that I speak for today. H.R. 3094 creates loopholes that will undermine our commercial fishing businesses and our ability to provide the American people with a stable source of domestic, sustainably harvested red snapper. My message here today is consistent with what you have heard from the commercial industry since this idea was first developed—we cannot support state management of the commercial red snapper fishery in the Gulf of Mexico.

I started my fish house business—Wild Seafood Co.—with my wife Vicki in 2012 and in just 3 years my business now handles three-quarters of a million pounds of reef fish that makes its way to seafood consumers in the Gulf and throughout the Nation. My business is made up of 15 fishing boats that employ around 50 captains and crew, as well as 15 fish house staff. I also sell bait, tackle, and ice to private recreational fishermen and charter captains in my area.

When I'm not at the dock or in the water, I'm working to improve the way we manage our fisheries. My boats are currently testing ways to report their catch data electronically rather than through an antiquated paper-and-pencil system. I'm also working with scientists to test how video cameras can improve data collection on commercial fishing boats. I am on a number of fishery Advisory Panels for the Gulf of Mexico Fishery Management Council and I'm part of a fisheries advisory committee commissioned by Congressman David Jolly. I'm the Vice President of the Gulf of Mexico Reef Fish Shareholders' Alliance—a strategic non-profit organization that is working to protect the Gulf's fish and fishermen for today and for future generations. Everything the Shareholders' Alliance does is founded in our belief that conservation and stewardship protect fish populations *and* fishermen's businesses. I also helped start, and am now the Executive Director of Gulf Wild—a comprehensive seafood traceability program that is built upon a series of conservation covenants and utilizes unique tags to track fish from the boat to the plate. Gulf Wild engages fishermen to improve their fishing practices, delivers better fishery data, returns a higher ex-value price to fishermen, and produces a seafood product that consumers can track back to the very captain, vessel, and area in which that their fish was caught.

Sometimes I wish for simpler days when I was just a spear fisherman, but I now understand the need to stay active and involved in my fishery and directly work to improve the way it's managed. Being a fisherman today isn't just about catching fish anymore—it's about finding solutions that preserve the long-term health of our fishery and our businesses.

I'd like to address three points regarding the Gulf States Red Snapper Management Authority Act.

1. The commercial fishery is a success under Magnuson and it should not be turned over to the Gulf states.
2. The Gulf states are not in the position to manage a Federal commercial fishery.
3. H.R. 3094 is a threat to the commercial fishery and seafood supply chain.

**1. The commercial fishery is a success under Magnuson and it should not be turned over to the Gulf states.**

Our Federal fishery law—the Magnuson-Stevens Fishery Conservation and Management Act—is the bi-partisan backbone of our management plan and is the reason that we have a rebounding red snapper fishery today. Strict rebuilding requirements, mandatory accountability measures, and a common core of conservation have helped increase red snapper quotas to some of the highest levels on record. In fact, the commercial red snapper quota has *nearly tripled* in less than 10 years—a testament to the effectiveness of our Federal fishery laws. The commercial individual quota program was put in place in 2007, and we have remained within our science-based quotas every year. Fishing businesses are profitable again; we have all but eliminated wasteful discarding; the flow of fish into the marketplace has stabilized and grown; and fishing and shoreside jobs are being promoted. Magnuson is working for the fish and for commercial fishermen, and transferring the commercial red snapper fishery to the Gulf states threatens to undermine everything we have done to bring this fishery back from the brink of disaster.

We simply have no assurances that the Gulf states will uphold Magnuson, and we have every reason to believe they won't. We have no assurances that the Gulf states will protect our small businesses that we've built under the security of Federal fisheries law. And we have no assurances that the Gulf states will identify and enact conservation as a keystone issue. Therefore we cannot and will not support H.R. 3094.

**2. The Gulf states are not in the position to manage a Federal commercial fishery.**

The commercial red snapper fishery mostly occurs in Federal waters and our boats are federally-permitted. Furthermore, we manage our quota through a Federal database, we report our landings through a Federal trip ticket system, and we pay Federal cost recovery fees. When we're fishing for red snapper, we're also catching red grouper, gag grouper, tilefish, and various species of deep water and shallow water groupers—all of which are managed under the Federal system. State management just does not make sense for one species in a federally-managed multispecies commercial fishery.

Time and time again in the Gulf of Mexico, we have seen the Gulf states deliberately set fishing seasons in their state waters to conflict with and undermine Federal regulations. In 2014, all five Gulf states allowed additional fishing days for

red snapper in state waters (Texas had a 365-day season) and half of the entire recreational quota (2 million pounds of the 4.3 million pound catch target) was caught in state waters under these non-compliant regulations. We want nothing to do with being managed by the states that constantly thumb their noses at the policies that have helped rebuild this fishery and stabilize fishing businesses.

**3. H.R. 3094 is a threat to the commercial fishery and seafood supply chain.**

H.R. 3094 opens up loopholes that will undermine and erode the commercial fishery. If passed, it will allow three individuals to eliminate almost 10 percent of the commercial fishery every year without discussing it with the Gulf of Mexico Fishery Management Council—a stakeholder group that was approved by Congress to manage the Federal commercial fishery. All five Gulf states already voted to take allocation away from commercial fishermen this year, so why would we think that they'd do anything different under state management?

H.R. 3094 leaves too much to chance—it doesn't define what it means to have a "satisfactory" enforcement plan, nor does it define what "necessary measures" it would use to rebuild a fishery. It falls short of identifying what standards will be used to evaluate state management plans, and only explains that public participation will be "adequate." Commercial fishermen are not willing to gamble our businesses on things like weakened enforcement, diminished rebuilding measures, diluted standards, and restricted public access.

It's very important to understand that this conversation is about more than just red snapper in the Gulf of Mexico—it's about setting a precedent where states can sidestep Federal fishery laws and conservation requirements, take control of a commercial fishery, and destabilize it to the point where it can be eliminated in less than a decade.

Through the Shareholders' Alliance, we reached out to commercial fishing organizations on the east coast, west coast, and Alaska, and over 40 of them signed onto a letter opposing this state takeover. These commercial fishing organizations, some of which come from states represented on this subcommittee, represent thousands of commercial fishermen and tens of millions of pounds of commercially important seafood. They oppose this state takeover because the implications of such a plan are far-reaching and set a dangerous precedent for our Nation's coastal regions—something like over 97 percent of the more than 300 million Americans get their access to fish and shellfish by purchasing it in restaurants, grocery stores, and fish markets that we supply. What's being proposed here today doesn't just harm commercial fishermen, it also impacts American seafood consumers. Our commercial fishing friends throughout the country cannot support this state plan in the Gulf because they would not support it at home.

In conclusion, the Gulf states have demonstrated that they do not have the best interests of commercial fishermen and seafood suppliers at heart. Their track record of destabilizing our businesses and undermining conservation is clear and troubling. The Gulf states are not in a position to effectively manage a stable and growing commercial fishery that by many accounts is a wild success under Federal management.

Commercial fishermen do not want to be managed by the Gulf states—we want to remain under Federal management with the protections and conservation requirements of the Magnuson Act. Therefore, I respectfully ask this Congress not to force a regulatory regime on our small businesses that we adamantly oppose.

Thank you, and I'm happy to answer any questions you have.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HON. JARED HUFFMAN TO JASON DELACRUZ, PRESIDENT AND COO OF WILD SEAFOOD CO.

*Question 1.* Will you please elaborate on the difficulty of separating red snapper out for regional management when your Federal permit covers a number of reef fish?

Answer. The Gulf of Mexico reef fish complex include over 30 species of snappers, groupers, jacks, tilefish, triggerfish, and wrasses. The Federal commercial reef fish individual fishing quota programs manage allocations of 14 different species, or groups thereof. On any given commercial fishing trip, we catch over a dozen different species of reef fish. Pulling out one species (red snapper) in this mix and handling it under an entirely different management regime is overly complicated and unnecessary. It will create confusion on the water and on land, which may lead to problems with reporting and could increase the uncertainty in red snapper data

collection. Red snapper should be left under Federal management with the successful individual fishing quota program that has been in place since 2007.

*Question 2.* Do consumers on the Gulf Coast and across the country deserve the chance to buy fresh, sustainable red snapper—a national resource that belongs to all of us—at the store or in a restaurant? Are there provisions in this bill that would limit this opportunity? Which ones?

Answer. American red snapper are a public resource, and a vast majority (some say 97 percent) of the American public can only access domestic, sustainably harvested red snapper from the Gulf of Mexico by ordering it at a restaurant or buying it at a fish market. Commercial fishermen, along with the seafood supply chain, provide this access to those who can't afford to go catch it themselves. Any restrictions on commercial fishermen and reduction of commercial allocation directly impacts the public consumption of seafood. Allowing the Gulf states to eliminate up to 10 percent of the commercial red snapper fishery each year will take red snapper off the plate of American seafood consumers.

Fundamental to our Federal fishery law is the recognition that fishery resources contribute to the “food supply . . . of the Nation” (16 U.S.C. § 1801(a)(1)). Taking access to this fishery from up to 97 percent of the American public and giving it to the remaining 3 percent flies in the face of fairness and equity. One recreational fisherman’s access in Federal waters (2 red snapper at an average of approximately 7 pounds apiece) is the equivalent of 18 six-ounce serving portions for consumers. Taking access from 18 American seafood consumers and giving it to 1 recreational angler is not fair or equitable.

There was a time when the public could only access domestic red snapper harvested from the Gulf of Mexico a few weeks a year. This occurred prior to 2007 when the commercial fishery was poorly managed and took place as a rapid-fire, derby-style fishery that promoted wasteful discarding and unsafe fishing conditions. Since the implementation of the individual fishing quota system in 2007, the fishery has stabilized and American seafood consumers have the opportunity to access red snapper year round. H.R. 3094 threatens that access and will impose harm on commercial fishermen and American seafood consumers alike.

*Question 3.* H.R. 3094 would allow the states to take over management of not just the recreational red snapper fishery, but also the commercial fishery. After 3 years, the bill would allow the states to reallocate up to 10 percent of the commercial quota to the recreational sector—potentially every year—without approval from the Gulf Council.

*3a. How would H.R. 3094 impact your business?*

Answer. H.R. 3094 would allow three individuals to eliminate 10 percent of my business annually. My profits would drop and my expenses would surge until a point 10 years (or, more likely, in less time) where my commercial fishing business and my family owned fish house would be out of business. I then wouldn’t be able to maintain my ability to sell bait, tackle, and ice to private recreational fishermen and charter captains in my area due to the high cost of rent where we are located at Don’s Dock in John’s Pass. An extremely likely outcome of this scenario is that my property would be bought by a developer, and this working waterfront would be turned into condos or some other development.

Being forced out of business by this legislation would not only hurt me and my wife, but it would also hurt the 50 captains, crew, and fish house staff that I employ. Approximately 50 families directly depend on the success of my business, and H.R. 3094 would ripple through their lives.

The harm imposed on my business would also resonate with the wholesalers that I work with, and my direct fish sales to the public that walk Don’s Dock in John’s Pass and want to buy a red snapper fresh from the boat that just landed it. The stability that we’ve seen in the commercial red snapper fishery has cultivated a community of individuals and businesses that depend on sustainable access to red snapper. H.R. 3094 threatens that community.

*3b. H.R. 3094 states that “nothing in this Act shall be construed to change the individual quota shares currently in place in the commercial sector of the Gulf of Mexico red snapper fishery.” Proponents of this bill say that this offers you the protection you’re looking for. Are they right?*

Answer. No, this language does nothing to protect my business. Individual quota shares are a percentage of the larger commercial quota. For example, if my red snapper share is 1 percent, then I can harvest 1 percent of the commercial quota annually—if the commercial quota increases, then the poundage associated with my 1 percent increases; if the commercial quota decreases, then the poundage

associated with my 1 percent decreases. H.R. 3094 could reduce the commercial quota by 10 percent every year, which means that my 1 percent share gets cut by 10 percent every year. Under H.R. 3094, in 10 years, I would still have a 1 percent share but the commercial allocation would be zero. And 1 percent of zero is zero.

We hear time and time again that the proponents of H.R. 3094 “don’t want to take anything from commercial fishermen” and that they “support the commercial fishery.” I don’t know how they can say this with a straight face when H.R. 3094 can literally eliminate 10 percent of my business every year.

If the proponents of this H.R. 3094 really wanted to protect the commercial fishery like they claim they do, they would leave us out of the legislation completely. There’s no good reason to include the commercial fishery in H.R. 3094.

*Question 4.* With 5 of the 17 voting members and the ability to handpick nominees for 11 of the 12 other seats, the Gulf states already have enormous influence on the Gulf Council. Why then do they need H.R. 3094?

Answer. The Gulf states have direct control over who sits in 16 of the 17 voting seats at the Gulf Council. The five Gulf state representatives on the Gulf Council do not have term limits, so they never have to run for re-election. The remaining 12 voting Members are chosen by the governors of each Gulf state every 3 years, and can run for three consecutive 3-year terms before having to take a year off. That represents nearly 95 percent of the voting power of the Gulf Council.

The Gulf state representatives who publically support H.R. 3094 claim that their states can manage the Federal commercial red snapper fishery better than the Gulf Council can. But we have seen no proposal for this, nor have we seen any evidence that this is true. We have seen no standards by which these Gulf states will make their fishery decisions, nor any business plan for how this new and redundant management organization would operate. Furthermore, H.R. 3094 proposes to make these major decisions in an environment that is much less transparent than the current Gulf Council process.

What H.R. 3094 would allow the Gulf states to do is to consolidate power to manage the entire Gulf of Mexico red snapper fishery into the hands of three individuals who are exempting themselves from our Federal fishery law (the Magnuson-Stevens Fishery Conservation and Management Act) and its fishery rebuilding and conservation requirements. We—fishermen, wholesalers, retailers, and the American seafood consumers—can’t afford to let that happen.

*Question 5.* Has rebuilding the Gulf red snapper stock benefited Florida? What would happen to the red snapper fishery in your state if H.R. 3094 led to a decline in the stock?

Answer. Strict rebuilding requirements, mandatory accountability measures, and a common core of conservation have helped increase red snapper quotas to some of the highest levels on record. In fact, commercial fishermen in Florida and throughout the Gulf have seen their quota nearly triple in less than 10 years, and commercial fishermen in Florida are reporting seeing more (and larger) red snapper now than in years.

According to the Southeast Fisheries Science Center, two of the top four commercial red snapper fishing communities in the Gulf of Mexico are in Florida (Destin and Panama City). And according to the Gulf Council, Florida is home to 73 of the 92 fish dealers in the Gulf of Mexico (~80 percent) that purchased red snapper in 2012—more than 12 times the number of reef fish dealers than in any other Gulf state.

Thanks to a rebuilding red snapper stock, fishing businesses are profitable again; we have all but eliminated wasteful discarding; the flow of fish into the marketplace has stabilized and grown; and fishing and shoreside jobs are being promoted in our coastal communities. A decline in red snapper would undermine all of the progress we’ve made in this fishery since 2007. It would risk stranding investments that we made in vessels and shoreside infrastructure based upon the rebuilding red snapper stock and the prospect for constant or increased future catches. It would impose costs throughout the seafood supply chain and would take red snapper off the plates of American seafood consumers, increasing the likelihood that the market fills that gap with unsustainably harvested red snapper imports from Mexico.

Stock declines impose economic, social, and conservation harms on the complex seafood community that we have developed, and hurt individual businessmen and consumers. H.R. 3094 could easily initiate that process given the consistent positions of the Gulf states to ignore red snapper science and deliberately set limits in excess of what’s considered sustainable. We cannot afford to gamble the future of

our fishery on this shortsighted plan that is being forced down the throats of the commercial fishing industry and the American seafood consumer.

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Dr. FLEMING. Thank you, Mr. DeLaCruz.  
Ms. Bittermann, you are recognized for 5 minutes.

**STATEMENT OF HALEY BITTERMANN, CORPORATE EXECUTIVE CHEF AND DIRECTOR OF OPERATIONS, RALPH BRENNAN RESTAURANT GROUP, NEW ORLEANS, LOUISIANA**

Ms. BITTERMANN. Chairman Fleming, Ranking Member Huffman, and members of the subcommittee, my name is Haley Bittermann, and I am the Executive Chef and Director of Operations for the Ralph Brennan Restaurant Group in New Orleans, Louisiana. I welcome the opportunity to speak with you today about red snapper management in the Gulf, as well as H.R. 3094, the Gulf States Red Snapper Management Authority Act.

The Ralph Brennan Restaurant Group employs approximately 700 employees in nine restaurants in both Louisiana and California. Our restaurants are known worldwide, and serve approximately 1 million guests every year. Louisiana's restaurants currently account for 203,000 jobs, which equates to 10 percent of the private-sector employment, making restaurants the largest private employer in the state. Our restaurants are projected to register 7.3 billion in sales in 2015 alone, so preserving access to the resources that keep this economic engine running is critical to our state's bottom line.

I am also here representing the restaurant industry and the National Restaurant Association, which is the leading business association for the industry, comprising 1 million restaurant and food service outlets. The industry employs 14 million people, about 10 percent of the U.S. workforce, and is the Nation's second-largest private-sector employer.

Millions of tourists visit the Gulf Coast every year, seeking our local sustainable Gulf seafood. In fact, National Restaurant Association research indicates that, of the top 10 culinary trends in 2015, locally-sourced seafood ranked first, and sustainable seafood ranked eighth.

Unfortunately, in the Gulf, we have watched a huge number of our popular seafood items become import-only or recreational-only fish. Red snapper used to be rarely available as a fresh fish before the commercial fishery improved its management and began the individual fishing quota program in 2007. Now, I can vouch for the fish being sustainable and wild caught and, in some instances, it can even be traceable back to the fisherman who caught it.

Gulf red snapper is currently being managed under a rebuilding plan, and commercial fishermen are no longer exceeding catch limits. Under this program, restaurants like ours can now depend on a steady stream of snapper to fulfill our orders during times of peak demand. However, under this legislation the successes we are experiencing as a result of this Federal program may be completely undone.

The fishermen I work with are diametrically opposed to shifting management authority to the states. This bill could allow the reallocation of almost 10 percent per year of red snapper away from the commercial sector to the recreational sector. History shows us that this is a very real possibility.

Sustainability of the fishery is another concern I have with this legislation, as there is no guarantee that Federal sustainability standards will be preserved. This legislation relies heavily on a state management regime to solve the problems facing private anglers, and experience has shown us that this is not always a wise decision.

For example, red drum, once an important commercial fishery, is now almost wholly restricted to recreational anglers. In response to concerns regarding overharvesting in the late 1980s, the Gulf states designated it as a game fish only, thus eliminating it as a menu item for restaurants.

Now, after nearly 30 years as a game fish in almost all Gulf states, the stock has rebounded and recreational catch is at an all-time high. Yet commercial fishers remain shut out. The Gulf states have shifted the catch to recreational and refuse to consider opening it back up. In fact, because of this, the only red fish we serve at Red Fish Grill in New Orleans is farm-raised.

At the state level, it appears that the needs of the private anglers outweigh those of consumers, restaurants, and the seafood community. The current system provides Federal oversight to allocation decisions. In addition, the Gulf Council represents a cross-section of stakeholders, and Council decisions are transparent. We already have a system that works—that is why the restaurant community opposes shifting the management to the states only.

Gulf red snapper is an American treasure that should be accessible to all, not just those who can afford to fish for it themselves. As a recreational fisherman myself, I want to be sure it is available for generations to come. I believe that if we take a balanced approach to fixing what is broken, which is the recreational management, that Louisiana can be both a sportsman's paradise and the restaurant capital of the United States. We should not have to pick winners and losers.

Thank you for the opportunity to testify, and I look forward to answering any questions you may have.

[Applause.]

[The prepared statement of Ms. Bittermann follows:]

PREPARED STATEMENT OF HALEY BITTERMANN, CORPORATE EXECUTIVE CHEF AND DIRECTOR OF OPERATIONS, RALPH BRENNAN RESTAURANT GROUP

INTRODUCTION

Chairman Fleming, Ranking Member Huffman, and members of the subcommittee, my name is Haley Bittermann and I am Executive Chef and Director of Operations for the Ralph Brennan Restaurant Group based in New Orleans, Louisiana. I welcome the opportunity to speak with you today on behalf of my company and the National Restaurant Association on the issue of red snapper management in the Gulf of Mexico, as well as on H.R. 3094, The Gulf States Red Snapper Management Authority Act.

## RESTAURANTS AND RED SNAPPER: ECONOMIC POWERHOUSES IN THE GULF

The Ralph Brennan Restaurant Group employs approximately 700 employees in 9 restaurants in both Louisiana and California. Our restaurants are known worldwide and have become a top destination serving approximately 1 million guests every year. Like so many restaurants across our region, Ralph Brennan's family of restaurants results in tens of millions of dollars in positive economic impact every year.

On the whole, Louisiana's restaurant industry generates tremendous tax revenues and we provide jobs and build careers for thousands of Louisianans. According to the Bureau of Labor Statistics and the U.S. Census Bureau, Louisiana's restaurants currently account for 203,100 jobs in Louisiana which equals 10 percent of the private sector employment, making restaurants the largest private employer in the state. Our restaurants are projected to register \$7.3 billion in sales in 2015 which is particularly impactful when considering that every \$1 million spent in Louisiana's restaurants generates an additional 24.6 jobs in the state. Clearly, preserving access to the resources that keep this economic engine running is critical to our state's bottom line and red snapper is a big part of that.

I'm also here today to represent the restaurant industry as a whole and the National Restaurant Association. Founded in 1919, the National Restaurant Association is the leading business association for the foodservice industry, comprising 1 million restaurant and foodservice outlets. The industry employs 14 million people—about 10 percent of the U.S. workforce and is the Nation's second-largest private-sector employer.

Specifically, as I'm sure you're aware diners today are more and more aware of the importance of eating fresh, sustainable, locally caught seafood. In fact, National Restaurant Association research indicates that of the top 10 culinary trends in 2015, locally sourced seafood ranked first, environmental sustainability ranked third and sustainable seafood ranked eighth. Gulf red snapper is a key component of many restaurants' menus nationwide. Gulf red snapper is an American treasure that should be accessible to all, not just those who can afford to fish for it themselves.

Unfortunately in the Gulf we have watched a huge number of our popular seafood items become import-only or recreational-only fish. Red snapper, on the other hand, used to be rarely available as a fresh fish before the commercial fishery improved its management and began the individual fishing quota program in 2007. Now I have the opportunity as a chef and a business person to not only vouch for the fish being sustainable and wild-caught, but in some instances the fish is actually traceable back to the fisherman who caught it. As you know, the millions of tourists visiting New Orleans and our Gulf Coast every year are seeking our delicious local, Gulf seafood. We must find a way to protect our commercial harvest of this valuable resource.

## FEDERAL MANAGEMENT OF COMMERCIAL RED SNAPPER IS WORKING

Restaurants and retailers nationwide can feel good about offering Gulf red snapper on their menus. Gulf red snapper is currently being managed under a rebuilding plan and commercial fishermen are no longer exceeding catch limits. Commercial red snapper fishermen have the flexibility to fish during times that suit their needs and the needs of the market resulting in a safer, more efficient fishery. Under this program, restaurants like ours can now depend on a steady stream of snapper to fulfill our orders during times of peak demand.

Under H.R. 3094, the successes we are experiencing in the seafood community as a result of this Federal program may be completely undone. The fishermen I work with are diametrically opposed to shifting management authority to the state authorities. As written, H.R. 3094 could potentially allow the reallocation of almost 10 percent per year of red snapper away from the commercial sector to the recreational sector and history shows us that is a very real possibility. Alternatively, in the current, federally-managed program, the seafood supply chain is provided with business certainty and the knowledge that Federal oversight is in place to take a balanced approach to allocation decisions.

Sustainability of the fishery is another concern I have with H.R. 3094. Under this legislation, there is no guarantee that the successful Federal sustainability standards mandated under Magnuson-Stevens will be preserved.

H.R. 3094 relies heavily on a state management regime to solve the problems facing private anglers. Unfortunately, past experience with state management illustrates that this is not always a wise decision when it comes to preserving commercial catch and its availability on restaurant menus.

For example, red drum, once an important commercial fishery along the northern Gulf coast, is now almost wholly restricted to recreational anglers. This is because

the Gulf states, in response to legitimate concerns regarding overharvesting of the species back in the late 1980s, determined that the best way to preserve the fishery was to designate red drum as a game fish only, thus eliminating an important menu item for our restaurants. At present, after nearly 30 years being designated as a game fish in almost all Gulf states, the red drum stock has rebounded and recreational catch is now at an all-time high of approximately 16 million pounds, yet commercial fishers remain completely shut out. The Gulf states have simply shifted the catch of red drum from commercial to recreational and refuse to consider opening back up a commercial harvest. In fact, because of this, the only redfish we serve at Redfish Grill in New Orleans is farmed.

Unfortunately, past experience suggests that at the state level, the needs of the private anglers outweigh those of consumers, restaurants and the seafood community. Under the current Federal system for Gulf red snapper as authorized by Magnuson-Stevens Act, the 17-member Gulf Council represents an equitable cross-section of stakeholders, state representatives and fishery experts. Council decisions are transparent and carefully scrutinized. In terms of commercial red snapper management, we've already got a system that works. That's why I and many others in the restaurant community oppose shifting management of red snapper to the states only. We are concerned the same thing will happen with red snapper as happened with red drum.

#### CLOSING

After 20-plus years as a chef, I know that customers come to the Gulf coast to experience our bounty of delicious, sustainable, Gulf seafood—especially the iconic red snapper which is one of our most popular dishes. Snapper is part of our heritage and our history and, as a recreational fisherman myself, I want to be sure it is available for generations to come.

I oppose H.R. 3094 because it would take red snapper out of the Federal management system that has worked so well for those of us in the restaurant and seafood industries. I believe that if we take a balanced approach to fixing what is broken, which is recreational management, that Louisiana can be both a Sportsman's paradise and the restaurant capital of the United States. We, and especially the U.S. Congress, should not have to pick winners and losers. Thank you for the opportunity to testify, and I look forward to answering any questions you may have.

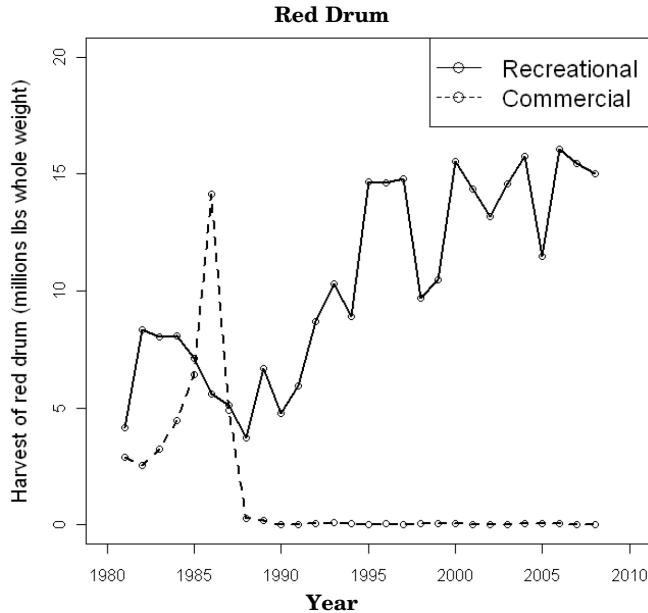


Figure 1. Red drum recreational and commercial landings in Gulf of Mexico state waters from 1981–2008. Data Source: Dr. Nick Farmer, NMFS-SEFSC St. Petersburg, Florida.

QUESTIONS SUBMITTED FOR THE RECORD BY THE HON. GARRET GRAVES TO HALEY BITTERMANN

*Question 1.* You voiced concern over the continuation of a steady supply of red snapper and the importance of readily available snapper for your business.

*1a.* Are you aware that members of the charter/for-hire sector are being courted aggressively to lease shares of red snapper from the commercial sector to conduct “Commercial Fishing Experience” trips?

Answer. Yes, I am aware of this program and I understand that it is an innovative, sustainable way for more Americans to enjoy red snapper fishing in the Gulf for longer seasons which, in turn, benefits the entire Gulf region. Since the overall commercial quota remains intact and our supply remains consistent, this program in no way impacts restaurants’ ability to source Gulf red snapper.

*Question 2.* We understand that this is a program that is being endorsed and promoted by NOAA Fisheries, and it allows charter/for-hire vessels to take recreational anglers fishing for commercial allocations of red snapper. Those customers are charged for the charter trip and are then allowed to purchase that red snapper for some pre-determined price-per-pound from the fish house upon returning to shore.

*2a.* As a chef and a restaurateur, what does this diversion of red snapper supply mean to seafood restaurants? How would a bidding war with charter vessels and recreational anglers over commercial red snapper potentially impact your business?

Answer. In this question, I would like to take the opportunity to clarify a number of points. Congressman Graves asserts that the “commercial fishing experiences” are diverting snapper quota away from the restaurants, which is not the case. Because all fish caught as part of the commercial quota must be sold back into commerce, our overall supply remains the same.

Under the authority of the Magnuson-Stevens Act, the Gulf Council and the Department of Commerce determine the total amount of red snapper that can be caught annually and then divide that quota roughly in half between commercial and recreational interests. On the commercial side, this quota is further subdivided among leaseholders via an Individual Fishing Quota (IFQ) system. The commercial fishermen who own that quota are then allowed the opportunity to fish for their share or, alternatively, lease it out. Under current rules, they are allowed to lease this share to charter captains who can take customers out to fish for it commercially giving them the “commercial fishing experience” which has been a hit among tourists and locals alike. Of course, since this is commercially caught snapper, it must be sold at the dock and put back into the supply chain. The charter customers are typically offered an opportunity to buy a small portion of that fish, but the majority will be sold, as usual, to the supply chain and is then made available to chefs and restaurants like me.

I see the “commercial fishing experience” program as a win-win for all involved: It allows tourists who don’t own their own boats an opportunity to fish for red snapper year-round in a management system that is 100 percent accountable while also continuing to provide consumers with fresh, Gulf seafood.

*Question 3.* Do you believe that saltwater recreational fishing in the Gulf of Mexico, including for red snapper, attracts tourists and therefore restaurant goers for your business and other area restaurants?

Answer. Yes, I believe that saltwater angling brings tourists to the Gulf coast. The business that private angling brings to the Gulf Coast is important to our restaurants. The charter-for-hire component of the recreational red snapper fishery brings patrons to the Gulf from all across the country - anglers who don’t own their own boats and would otherwise be unable to fish at all. In addition, many tourists come to New Orleans for the locally caught seafood we serve in our restaurants. In fact, according to the National Restaurant Association’s 2015 culinary survey of nearly 1,300 chefs, locally sourced meats and seafood ranked number one in the top 20 food trends.

*3a.* If so, is your business at all concerned by the limited recreational fishing opportunities for Gulf red snapper provided by Federal management, which is constraining tourism opportunities and potential restaurant goers?

Answer. As a recreational angler myself, I find that opportunities available for snapper fishing in state waters are ample. For example, Louisiana is opening their fall snapper season November 20 which will run 7 days a week until further notice, and Texas has snapper fishing in its state waters 365 days a year. However, it is precisely these lengthy state snapper seasons combined with a lack of accountability and no control on fishing effort that is leading to a shortened Federal season.

Unfortunately, anglers in state waters are taking more and more of the available red snapper, leaving less for the season in Federal waters. I would very much like to see all stakeholders come together and work collectively on some innovative approaches to managing the private angling community in such a way that its participants are given more flexibility to fish during times that best suit their needs. Suggestions including tags, bag limits, and other accountability measures should be part of this discussion.

*3b.* If so, in testifying against H.R. 3094, which the states and the recreational fishing community believes would provide for better recreational fishing opportunities, are you signaling that your restaurants are not concerned with attracting the business of resident and non-resident recreational fishermen?

Answer. To say that there are only “limited recreational opportunities for red snapper” is misleading. In fact, under the new, separate Federal charter-for-hire component, anglers are given far greater opportunities to fish during a longer season that is the result of increased accountability measures and more flexibility regarding when this sector’s quota can be caught.

Since less than 10 percent of Americans own their own boats, the charter component of our community is hugely important to driving tourism and bringing patrons into our restaurants and hotels. For example, under the Gulf Headboat Collaborative pilot program, the Gulf Council estimated that 32,000 more tourists were given opportunities to fish than in previous years.

*Question 4.* A study 2013 by Oceana found that 93 percent of seafood labeled as red snapper was not in fact red snapper.

*4a.* How do you guarantee to your customers that the red snapper you are serving at over \$30 a plate is in fact sustainably caught Gulf of Mexico red snapper?

Answer. I am familiar with the Oceana study that highlighted rampant mislabeling in the seafood industry and I find these statistics troubling. Unfortunately, economic fraud in terms of mislabeling for species, country of origin and other details were challenges to our industry long before the Oceana study was published. The good news is that innovative certification programs exist which can guarantee to consumers the freshest, most sustainable, accurately labeled seafood in the world.

For example, at Red Fish Grill, my restaurant in New Orleans, we buy 100 percent of our red snapper from a program called Gulf Wild. The Gulf Wild program represents authentic, wild-caught, responsibly harvested, safe and sustainable seafood from the Gulf of Mexico. This program provides all its customers with real-time traceability back to the original fisherman thus ensuring the authenticity of our wild finfish (including red snapper) from the Gulf. Every one of the fish sold as part of the Gulf Wild program is given a traceable identification number and scannable QR code. With this information, we can obtain detailed credentials of every single fish, including who caught it, when, from which vessel, and more.

In addition to Gulf Wild, there are numerous other, voluntary certification programs readily available for seafood buyers across the Gulf. In Louisiana, we have the Louisiana Wild Seafood Certification Program run by the Louisiana Department of Wildlife and Fisheries. This program increases consumer confidence by certifying that seafood products are wild-caught, taken from Louisiana or Gulf waters, landed in Louisiana and handled and processed by licensed Louisiana commercial fishermen, dealers and processors.

In addition, my restaurant Redfish Grill participates in Louisiana’s catch and cook program. This program allows a guest or angler to bring their catch into a restaurant for preparation and serving. The voluntary program requires the restaurant to register at no cost with the Department of Wildlife and Fisheries for a permit to participate in the program. The fish can only be prepared for the guest who caught it, and the guest must also sign a full release with the restaurant assuming all responsibility and releasing the restaurant of any liability. The restaurant can then cook and serve the fish and is allowed to charge the price they deem appropriate for preparation and handling of this meal.

As consumer demand for more locally caught seafood continues to rise, I anticipate more restaurants across our region will engage with programs like Gulf Wild. It gives me great pride to be able to assure our patrons at Red Fish Grill that by dining with us, they’re supporting a strong, sustainable fishery and also bolstering our hardworking, Gulf fishermen.

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Dr. FLEMING. Thank you. Thank you, Ms. Bittermann.

Next and last, but not least, David Cresson, Executive Director and CEO of the Coastal Conservation of America (sic).

**STATEMENT OF DAVID CRESSON, EXECUTIVE DIRECTOR/CEO,  
COASTAL CONSERVATION ASSOCIATION, BATON ROUGE,  
LOUISIANA**

Mr. CRESSON. Thank you, Mr. Chairman, Congressman Huffman, and members of the committee. Thank you for having me. My name is David Cresson, and I am the Executive Director of the Coastal Conservation Association of Louisiana. CCA is the Nation's largest conservation group of its kind, with 120,000 members and 19 state chapters on 3 coasts. I am also an avid angler myself, and I fish with my best fishing buddies, my three kids, as often as possible.

On behalf of all CCA members, we would like to thank Congressman Graves for recognizing the challenges facing the recreational angling community, and for working with the states to create a path toward a better situation for all stakeholders: commercial, charter-for-hire, and recreational.

I am not here to denigrate commercial fisheries, nor are we advocating for the elimination of commercial fishing. We simply want a system that provides appropriate access to the resource, something that is sorely lacking in the current management system for Gulf red snapper. Currently, almost 75 percent of the snapper resource is in the hands of private business. The rest of us get 10 days. That is simply unacceptable.

You have heard praise for the catch share programs being used today. And some would have you believe that privatization of more than half the red snapper stock is the sole reason the stock has recovered. It is not. Recreational anglers are mostly responsible for the miraculous recovery of the resource.

In 2005, a lawsuit brought by concerned anglers forced NOAA to finally take action on the badly depressed stock, and called for a nearly 80 percent reduction in snapper mortality from shrimp trawls. After 30 years of mismanagement and failed policy by NOAA, it was recreational anglers who brought about change and put the stock in the position it is in today.

It has been said here that recreational anglers are not accountable. Nothing could be further from the truth. It is the Federal system that is unaccountable to recreational anglers, and has produced results that make no sense. We have been asked to come up with a management plan. We have. The states have developed and, in some cases, have implemented these plans already.

In Louisiana, in fact, anglers supported a 50 percent license fee increase for the sole purpose of enhanced data collection through the highly effective LA Creel program. Anglers gladly work with the states to develop, pay for, and provide information to the state-based programs.

We trust the states; they listen. They have successfully managed species like red fish, speckled trout, bass, flounder, black drum, crab, shrimp, oysters, crawfish, catfish, and more. The state works to make fishing enjoyable and available, while managing for abundance. Meanwhile, the Federal system aims to privatize the resource for a select few, and limit access to the general public.

We have been at this for a while. And all we have to show for it are a few poorly placed bandages. Please support this bill, and let the states do what they have done very well for many years: manage their fisheries with great success.

Thank you, and I am glad to answer any questions.  
 [The prepared statement of Mr. Cresson follows:]

PREPARED STATEMENT OF DAVID CRESSON, EXECUTIVE DIRECTOR, COASTAL CONSERVATION ASSOCIATION LOUISIANA ON BEHALF OF COASTAL CONSERVATION ASSOCIATION, AMERICAN SPORTFISHING ASSOCIATION, CENTER FOR COASTAL CONSERVATION, INTERNATIONAL GAME FISH ASSOCIATION, NATIONAL MARINE MANUFACTURERS ASSOCIATION, THE BILLFISH FOUNDATION, AND THEODORE ROOSEVELT CONSERVATION PARTNERSHIP

Thank you Mr. Chairman, Congressman Huffman and members of the committee. My name is David Cresson and I am the executive director for the Louisiana chapter of Coastal Conservation Association. CCA was established in 1977 and is the largest marine resource conservation group of its kind in the Nation, with more than 120,000 members in 19 state chapters along all three coasts. Comprised of recreational anglers and concerned conservationists, CCA has been active in state, regional and Federal fishery issues ranging from forage species at the bottom of the marine food chain to pelagic, apex predators at the top. CCA's advocacy philosophy seeks to promote both the proper conservation of marine resources and the availability of those resources to the general public.

The commitment of anglers, and indeed of all sportsmen and women, to act as stewards of the wildlife resources they cherish is at the heart of the North American Wildlife Conservation Model, which is built on the premise that all fish and wildlife are held in public trust and belong to the people—not designated individuals for personal gain. That is actually the first tenant in the North American Model, which has seven principal tenants in all.

The North American Model has produced tremendous conservation victories in this country, most notably in waterfowl and inland fisheries. In case after case, Congress, and the states, recognized that placing a dollar value on a wild animal all too often drives harvest past sustainable levels. It was a lesson that relegated commercial harvest of ducks, geese and buffalo to a historical footnote in this country many decades ago, in many cases saving species from extinction. However, the lessons learned on land and in our Nation's freshwaters so many years ago seem to have been disregarded when it comes to industrial harvest of marine resources in Federal waters. This stark philosophical contrast is at the heart of ongoing management dysfunction in the marine environment.

That being said, I am not here to rail against commercial fisheries. The majority of recreational anglers are not advocating for the elimination of commercial fishing, despite many in that industry attempting to muddy the water with claims to the contrary. We simply want a system of management that provides appropriate access to the resource and nowhere is such a system more lacking than in Gulf of Mexico red snapper. Federal management dysfunction of red snapper in the gulf continues to push recreational fishing away from the extremely successful North American Model and toward schemes meant to limit the public's access to abundant public resources in public waters.

At a Gulf of Mexico Fishery Management Council in August in New Orleans, a comment was made by a commercial harvester advocating for limiting access for anglers that recreational red snapper fishing needs to be managed according to a plan like duck hunting. Ironically, recreational fishermen would be much happier if snapper were managed like ducks, where state and Federal wildlife managers share information and set remarkably consistent seasons and limits according to long-term population trends, not simply on best-guesses about harvest effort based on outdated information. Notice there isn't a congressional hearing every 6 months or so on how to fix duck hunting? That's because the system works for its stakeholders. In Louisiana, duck hunters have had 60-day seasons for 20 straight years. Over that same period, Federal seasons for red snapper have changed a dozen times, reduced from year-long access in 1996, when the population was beginning to recover, to just 10 days this year despite snapper populations being at what is likely an all-time high. One of the reasons given by NOAA for these shortened seasons is that the fish are so abundant they are too easy to catch. In no other fisheries or game management system is abundance used as a reason to shorten seasons and restrict access. But, somehow Federal fisheries managers justify it for Gulf red snapper.

This year's season got even more complicated by sector separation. Again, using duck hunting as a model, it would be absolutely unfair and absurd for the U.S. Fish and Wildlife Service to tell hunters they get 10 days to duck hunt Federal Wildlife Management Areas if they go on their own but if they hired a guide to take them to those exact same lands they could hunt four times longer. Yet, that's exactly what happened with red snapper this year because of sector separation, a policy shoved through the Gulf Council and supported by NOAA despite opposition from every Gulf state fisheries agency and the overwhelming majority of anglers in the region. The Gulf Council held a meeting in Baton Rouge in August 2014 to gather public input on sector separation. Approximately 200 attended and those opposed to sector separation outnumbered those in favor 10–1. Gulf wide, according to figures provided by the Gulf Council, comments submitted to the Council were even more one-sided in opposition to sector separation with more than 96 percent of the nearly 3,000 comments submitted to the Council Web site opposing. The Council was even advised by its own reef fish advisory committee to not divide the season. The Council still divided the season.

It's disappointing, but the sector separation vote and the support for sector separation by NOAA staff was not a surprise. Gulf Council meetings have become free-for-alls for badmouthing recreational fishermen with Council members, commercial fishing interests, environmental groups and now a small but vocal group of charter captains accusing anglers of irresponsibility with the resource, a lack of accountability, selfishness and any number of other unfounded accusations. More irony—most of the accusers are selfishly making the case that they should be in control of their own individual quota of a public resource rather than having access for all fishermen. And, the commercial, charter and environmental special interests on the Council are now trying to push through additional efforts to expand and make privatization of red snapper and other fish permanent, another affront to the North American Model.

NOAA regional staff points fingers too, accusing anglers of being too difficult to work with, unwieldy and unwilling to come up with a workable plan for snapper management. To NOAA's credit, in 2014 it heeded the advice of organizations like CCA, The American Sportfishing Association, Theodore Roosevelt Conservation Partnership, National Marine Manufacturers Association and others to develop its first-ever national policy on saltwater recreational fishing. But as NOAA was working with anglers to write the policy with guiding principles like "expanding fishing opportunities based on conservation gains and understanding and addressing factors affecting angler participation and satisfaction," NOAA Southeast Regional Staff was voting for sector separation at the Gulf Council, a move that severely limits fishing opportunities despite conservation gains and increases the already-pervasive dissatisfaction and distrust recreational fishermen have with Federal management.

Recreational anglers are a force for conservation at the state level. They have stepped up to build world-class hatcheries and worked with universities to build world-class science centers. They have raised hundreds of thousands of dollars for law enforcement equipment and other support for state game wardens. They have been the driving force behind habitat projects ranging from marsh restoration and oyster shell recycling programs to offshore artificial reefs.

In addition to the license anglers buy just to go fishing, every time we purchase a package of hooks, a fishing rod, reel, lure, tackle box, depth finder, trolling motor, fuel for our fishing boat and other supplies we gladly pay an excise tax that goes into a fund called the Sport Fishing and Boating Trust Fund. The majority of those funds go back to the states for fisheries conservation, angling and boating access and boating safety. And, 18.5 percent of that fund is dedicated to a program called the Coastal Wetlands Program. In 2015 alone, that 18.5 percent equates to around \$112 million going to on the ground projects to conserve and restore coastal habitats. In the last two-plus decades, that money has helped rebuild and sustain more than 100,000 acres of coastal wetlands in Louisiana. It's part of the American System of Conservation Funding —paid for solely by anglers and boaters—and it's the lifeblood of the North American Model.

Anglers have taken on these challenges because we have gladly accepted the responsibility of being stewards of the resource. Gulf anglers regularly ask state agencies to reduce creel limits when stocks show signs of decline or are affected by weather or other environmental factors. Gulf-coast anglers also led the charge in the 1980s to end the use of destructive fishing gear like gillnets and purse-seines that were decimating speckled trout and redfish stocks, pushing these iconic species to the brink of collapse.

The angling community is also largely responsible for the miraculous recovery of Gulf red snapper. In 2005, a lawsuit brought by concerned anglers forced implementation of arguably the single most significant action in the history of red snapper

management. After years of inaction by NOAA Fisheries and a relentlessly depressed red snapper stock, a Federal judge finally ordered a 79 percent reduction in red snapper mortality from shrimp trawls. After almost 30 years of failed policies and half-measures, this landmark decision finally set the stage for the incredible recovery in red snapper stocks that we are seeing today. Indeed, information presented by the Gulf Council consistently reflects an almost meteoric rise in Gulf red snapper populations beginning in 2005, coinciding exactly with the reduction in shrimp trawl bycatch mortality.

Anglers are accountable as well despite the accusations to the contrary. Anglers in Florida asked the state to institute a saltwater fishing license in 1989 to help better account for angling effort and generate revenue specifically dedicated to conservation, science and management. In 2014, Louisiana anglers successfully backed a bill to increase their license fees from \$15.00 per year to \$22.50 specifically to better account for angling effort and increase and improve data collection and science. And, anglers in all five Gulf states are working with their state fisheries management agencies to develop better accounting systems like Florida's Gulf Reef Fish Survey, Alabama's Snapper Check Reporting Program and Louisiana's LA Creel Program.

Anglers gladly work with the states to help develop, pay for and contribute information to these state-based programs because they are state-based. Recreational fishermen trust the states. The states very successfully manage recreationally important species like redfish, speckled trout and largemouth bass. The states very successfully manage mixed-sector species like sheepshead, flounder, black drum and blue crabs. And, the states very successfully manage commercially vital species like shrimp, oysters, crawfish and wild catfish. Recreational fishermen confidently know that when they have concerns, the states will listen and work with them because states understand the economic and cultural value of both recreational and commercial fishing. And, the states work to make fishing an enjoyable experience for families and friends, providing ample opportunity to access the resource while conservatively managing fish and game for abundance. Meanwhile, the Federal approach in the Gulf is pointing to privatization of the resource, less access and yielding to the will of a small group of special interests determined to force anglers to hire guides to access the fish and limit time for family and friends to enjoy the resource.

We've been in Washington and in courts fighting over Federal management of red snapper for far too long and the fundamental problems aren't getting fixed—only poorly bandaged, creating more problems. It's time to rip off the band aid and fix this system. A good way to start is to let the states do what they've done very successfully for a host of other fish and game, both recreationally and commercially, and manage red snapper in the Gulf of Mexico.

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Dr. FLEMING. Thank you, Mr. Cresson. All of this talk about crab and fish is making my stomach growl.

[Laughter.]

Dr. FLEMING. We are going to take a recess to go vote. It will take us about an hour. We will be back, and we will then get started with questions. Thank you.

[Recess.]

Dr. FLEMING. Well, we have finished voting, so we return. We thank you for your patience and indulgence, panel, for staying around. I know we have a couple of Members who may have to leave before we are done. So, we will wish you safe travels when you leave, but we want you to stay as long as you can.

At this point we will begin asking questions, and I now yield myself 5 minutes.

Ms. Bittermann, you have made mention of the fact that there have been some fish that have not remained commercially available. My concern, of course, is that New Orleans, which is really kind of the gateway of culture and many things for Louisiana, and all the great restaurants that we have—certainly one of the Brennan restaurants that you work at, and the many others that

are notable that have been in families for well over a century—these are the kind of things that draw people to Louisiana.

So my concern is—and we have lost fish sustainability in certain species before—my concern is going forward. So, would you like to expand on the concern that we may have that, by expanding private angler fishing, recreational fishing, what has happened under that type of management, state management, in terms of sustainability for commercial use, and certainly availability in restaurants for consumers?

Ms. BITTERMANN. Well, thank you very much for that question, Congressman. In my experience, and from my perspective in our industry, as you said, people come to New Orleans to eat the great seafood that comes out of the Gulf of Mexico. In the past we have seen fish species go away for commercial fishing, which also affects the restaurants, species like the red drum and the speckled trout.

I think that it seems like when they go away, when the allocations change, that they do not come back. And eventually, they are not available for the commercial fisherman, which means they are not available to the restaurants or to the general public. So I think that is my fear, is what is going to happen. Will this continue to happen?

Dr. FLEMING. Sure. The other thing I would, again, maybe just throw this out to our witnesses and get comments—under the five-state plan, is it possible that as few as three of the states in the plan can declare a state—for instance, Louisiana—non-compliant, and recommend the Secretary of Commerce close fishing down entirely? Yes, go ahead.

Mr. DELACRUZ. Yes, that is exactly what it is. So if it closes for one sector, it closes for both, the way the plan is written now. So even if one sector is working within their boundaries, and doing everything they probably can, but one sector goes over, and the determination is made by the group, then that entire state gets shut down.

Dr. FLEMING. I see. Any others who would like to comment on that?

Mr. JARVIS. When you have five voting members and you only need three votes to dictate what takes place in the management process, there is a level of politics that may not be part of the public process, and three state directors get together to make things work better for their three states at the expense of two others. I have grave concerns that that could take place on a variety of issues under this bill.

Dr. FLEMING. Right. Now—oh, yes, go ahead.

Mr. ZALES. If you have one state that the other states are going to say is not compliant, I would suggest that that state must be non-compliant, according to the data that is available, so they probably need to be shut down. If you remain within your perimeters, then you should not have any problem. I cannot imagine three states saying somebody is out of compliance, if they are not.

Dr. FLEMING. But couldn't the logic be applied to the current situation today under the Gulf Council, under the Federal program, that there has been a sharp drop in the number of fishing days? One could make the same argument in support of that, as well.

Mr. ZALES. Yes, and I have kind of upset some of the state directors in the past by making the comment that I am fixing to tell you—the National Marine Fisheries Service has not only the right, but the obligation under MSA to pre-empt when a fishery is being overfished outside the perimeters of the Fisheries Service guidelines.

So, where the Fisheries Service has come in and said all the states are non-compliant, the Fisheries Service has allowed them to be non-compliant. They could have gone in and pre-empted at any time. They have not done it. You hear about Texas all the time. Texas could have been pre-empted years and years ago. You would not have had the excess there.

Dr. FLEMING. OK. Thank you. And my time is up. I recognize the Ranking Member for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman. Just finishing on that last point, Mr. Zales, you are right. Under Magnuson-Stevens there is that backstop of Federal authority that can kick in. But if this bill were to pass in its current form, that Federal backstop would not exist. Correct?

Mr. ZALES. That is not my understanding of the reading of the bill. My understanding of the reading of the bill is that you still have the fisheries or the MSA umbrella in charge of—

Mr. HUFFMAN. That is not my reading. It would be entirely dependent on an act of this new five-party authority. So I think that is probably worth a careful look by you and all other stakeholders, and worth your consideration.

Captain Jarvis, I understand you may need to leave us soon, so I am going to focus my questions on you. We have heard a lot of complaints from Gulf states about short recreational possession seasons in Federal waters. As you know, states have been increasingly lengthening their seasons in state waters. Texas has a 365-day keeper season, Louisiana 286, Mississippi 108, and down the line.

How does state non-compliance with Federal regulations impact your business?

Mr. JARVIS. As Federal permit holders, we have to be held to the higher standard of Federal regulations. Included in that Federal regulation is 30B, which was instituted by the Gulf Council in 2008 or 2009. It required that we had to fall under the Federal season, regardless of the state action. So, from that point forward, every time the states start extending their season, it was like a nuclear option to us.

Our fishing access started being reduced at a great rate, and that is part of the reason we were able to get industry support for amendment 40, pulling ourselves out of that environment in 2014, prior to amendment 40 being passed. The charter-for-hire sector caught 21 percent of the resource and, prior to that, for over 26 years, we were averaging 62 percent of the resource. So, as soon as the state water loophole came into effect, the American public that do not own boats, but access the fishery on our federally-permitted vessels, started to be squeezed out of the fisheries.

Mr. HUFFMAN. All right. And just to flip that around, if states had tried to align more closely with the Federal standards, in terms of setting their season, bag limits—if they were to even go

further with accountability measures, things like slot limits to protect the bigger fish so we can more quickly achieve our rebuilding goals, what would that mean for the Federal season determinations in Federal waters? Presumably, they would be longer, right, and more flexible?

Mr. JARVIS. Thank you for the question, Congressman. That is exactly right.

We hear about the 11-day season, but we have not heard about the 365-day season. So private recreational anglers really got a windfall with the state non-compliance. If those states would have been compliant, I think, if I remember correctly, the Federal recreational season for private-boat anglers would have been close to 30 days this past season in 2015. It was the fact that most of that allocation of harvest was being done in state waters that reduced their fishing days to only 11.

So, in essence, in Florida, they got 11 days of Federal water fishery, but they also got a 70-day season in state waters. So, in actuality, they got an 81-day season.

Mr. HUFFMAN. Right. And I just want to ask you about the fishing experience, because there has been a suggestion that parents cannot take their kids out to catch red snapper in the Gulf of Mexico. My sense is, first of all, in state waters that is not true. Second of all, even in Federal waters, yes, it is true, you are not going to keep those snapper unless they are within the designated season and bag limit, but you can still fish.

So, just talk to me about the fishing experience out there. Are there other types of snapper, grouper, other things that you could be fishing for, while just releasing the snapper that you may happen to catch? What is the fishing experience like, even with these restricted Federal rules in place?

Mr. JARVIS. It is real apparent, especially in the summer time, that people are going to fish, whether red snapper are open or closed. There are over 27 reef fish species in the Gulf of Mexico, so there is plenty to fish for. Even when we had a situation this year where amberjack, gag grouper, triggerfish, and red snapper were closed, there was still angling opportunity. What you find, though, is that it just makes it more difficult, maybe, to get your targeted species if you are trying to catch grouper or vermilion snapper, and you have the bycatch mortality release.

The key ingredient, as far as the private boat and the charter-for-hire experience, the main biomass of these fish are outside of these state waters. So if a state decides to make their anglers fish the majority of the time in state waters, and not give them maximum opportunity in Federal waters, it actually reduces their enjoyment and their ability to catch a larger fish, or a trophy fish, and that kind of thing. So, it is almost like they are penalizing them.

In the state of Florida, only the northern part of the state has a 9-mile fishery. So 17 counties in Florida actually have no 9-mile fishery at all with the state non-compliance.

Dr. FLEMING. Thank you. Mr. Graves is recognized.

Mr. GRAVES. Thank you, Mr. Chairman.

Captain Jarvis, I know you need to take off. I am going to ask you a few questions, as well. I am having trouble connecting dots

here. So, you are saying that the state non-compliance shows irresponsible management on the part of the states, and that you are concerned that same irresponsible management may carry over if they are given jurisdiction over the Federal waters, as well. Is that an accurate synopsis of what you are trying to say?

Mr. JARVIS. Thank you for your question, Congressman. I would not call it irresponsible management. Those states felt that they could give their anglers an opportunity in state waters to fish. In our state, that decision of how many days at the meetings was not really based in science. Most state waters cannot take a season of these durations.

Mr. GRAVES. OK. So let's take that statement, that these state waters cannot take a season of that duration.

Now, I am going to realign from one of the letters that the groups that you are affiliated with have been sending out. In fact, in 2015, red snapper quotas in the Gulf of Mexico saw their largest 1-year increase on record. Now, how is it that the states—my words—being irresponsible on the management of their fisheries, yet we are actually seeing a record increase in snapper quotas in Federal waters? Those two things do not seem to line up correctly. Or, I guess, they just do not seem to make a whole lot of sense to me.

Let me ask something else. I was looking at your restaurants, and you have some phenomenal menus, by the way. I am anxious to go eat. OK. So, Brotula's, did I get that right?

Mr. JARVIS. Yes.

Mr. GRAVES. I found one thing that is really interesting on this menu. You have a number of fish on here. I am guessing some of this is drum or sheepshead, but I do not see any red snapper on the menu. But I will tell you what I see on the menu is actually Dungeness crab.

Mr. JARVIS. Yes, sir.

Mr. GRAVES. A species that is managed by states on the West Coast.

Now, why is it that the West Coast can manage their Dungeness crabs? Why is it that the East Coast states can manage the striped bass? Why is it that Alaska can manage their salmon, but it is only the Gulf of Mexico states that are unable to do this responsibly?

Mr. JARVIS. Thank you for the question, Congressman. In our restaurants, we serve only IFQ red snapper and grouper. We also serve other, what we call bycatch fish, caught from the Gulf of Mexico—trigger fish, amberjack, bearded brotula, the name of the restaurant, which is a deepwater fish. Our Brotula's happens to be a seafood house and steamer, and part of the steamer experience is using snow crab, king crab, Dungeness crab. So we access—we really take pride in the fact—and, because I am a fisherman—that we serve—

Mr. GRAVES. I am running out of time. I have some other questions, but I am just trying to understand. So you have sustainable supplies of Dungeness crab, to where you can put it on the menu, but you do not have red snapper on the menu.

Mr. JARVIS. Sir, we do have red snapper. It is called pan-crusted snapper. It is on our menu every day. It is on our permanent menu.

Mr. GRAVES. I will go back and look again, but I looked through it twice and—

Mr. JARVIS. It is a wonderful dish.

Mr. GRAVES. I will take a look again and see if I can find it. But I did not see it on here when I looked through a couple of times.

Now, let me go back. Let's see, one other thing. You mentioned your charter boat business. I referenced earlier that I think it was 72 percent of the federally-licensed charter boat captains in the Gulf—I believe that was the stat—actually support state management. Why are you in a different spot?

Mr. JARVIS. In Venice, Louisiana, I have a lot of friends that operate out of there. They are mainly a blue-water fishery, concentrating on tunas, wahoos, and the offshore species. The reef fish complex is just a bycatch fishery for them when they have a tough day if the tunas do not bite. A lot of those guys in the Venice Marina are not engaged in this whole red snapper controversy, because it is not all that important to them, unlike in my fleet, or in the Orange Beach Charter Boat Association, or the Mississippi Charter Boat Association, or the entire Texas fleet, where red snapper is a staple of our business, sir. So that is the difference, probably, in that deal.

I think it was pointed out that some of the questioning, how the survey questions were laid up, it may have an impact—

Mr. GRAVES. The Louisiana charter boat folks have actually been active, and have come and met with me a number of times, and they are advocating for this. So, I do not think they are on the sidelines, or not paying attention to this. They are actually very much engaged, and very concerned about this. I think it is important to note that.

Mr. DeLaCruz, you made some mention of how the Gulf states voted to take away snapper from commercial folks. I did not understand that comment, and I am wondering if you can clarify that.

Mr. DELACRUZ. At the last Gulf Council—actually, two Gulf Council meetings ago—there was a vote on amendment 28. And even though the methodology and the science that was used in that process, they had not completely vetted, the vote was to push to remove 5 percent, or the swing all together was 3½ percent, over to the recreational sector.

The vote was really very clear across party lines. All the states voted in that direction without unequivocal doubt. As a matter of fact, the Council itself, being the fact that all the Council members are actually picked by state governors, is controlled almost solely by the states. So it kind of breeds the question as to why is this even necessary, if the Council already has a good enough control over—

Mr. GRAVES. We are out of time, but I am more than happy to talk about the ratios and makeup of the Gulf Council. I think it would be a very informative decision and I think you know the answer to that, actually. But—

Dr. FLEMING. OK. Mr. Scott, 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman. And, ma'am, you said, you know—picking winners and losers. Well, with all due respect, as a dad, I am the loser. You know, we are down to 10 days. There is not much else you can take from us. So we are either going to be

able to fish together, or we can shut down the whole fishery, as far as I am concerned. But you know, we ought to be working together.

Unfortunately, what has been taken from us has gotten to the point there is nothing else to take from us. So, it seems that it is fine if we go fish and kill the fish, as long as I am willing to pay somebody else to take me. But I cannot be the one that teaches my kids, like my granddad taught me and my dad, and we cannot just enjoy that time together by ourselves. We have to pay somebody else to do it.

So, the catch shares system, Mr. Zales, I want to ask you about this, because you stand to personally gain financially, as the commercial fishermen did, the ones who ended up with the quotas. It is a license to create revenue from the government that nobody ever paid for. My opinion is it should have been auctioned off, just like oil rights, timber rights, or anything else. If I am willing to pay \$5 a pound for it, and somebody else is only willing to pay \$4, I should be able to buy the poundage and catch it with my family.

But you are still opposed to this, even though you would personally benefit financially to what is happening with the Gulf Council, and you actually support the legislation. Would you speak to that issue a little bit?

Mr. ZALES. Yes. And, real quick, if I could answer the thing about the 3 percent shift in allocation. The Fisheries Service, in their data system, 2 or 3 years ago they did a study and they determined that people actually land fish after 3 o'clock in the afternoon. When they did that, they had to go back over time and re-adjust the landings from recreational data to commercial. The difference in the current allocation between commercial and recreational in the Gulf for red snapper is based on people actually harvesting fish after 3 o'clock in the afternoon for many, many years.

But to your point—

Mr. SCOTT. Can I ask you that—and what we call harvesting is actually bringing the fish back to shore. The one that I catch, kill, and feed Flipper—

Mr. ZALES. In other words, up until 2 years ago the Fisheries Service did not think people fished after 3 o'clock in the afternoon. I always have.

But getting to the point about the quota thing—in 2000, I think it was, a lady by the name of Pam Baker, who was with the Environmental Defense Fund at the time, came to several of us throughout the Gulf and suggested that we join in to a concept of community-based quota systems that would work with forming a board—for Panama City they would get a certain share of the quota. A board would be developed with people like me sitting on the board, and then we would determine how that quota would be allocated. That was where this whole thing has kind of evolved.

At the time, it sounded good for somebody like me that, OK, well, I am going to benefit greatly. But the people that are around me—some of them friends, some of them not—they are not going to benefit. Some of them are going to be put out of business, some of them are going to lose. And I couldn't see, because I believe in the fair market system—I will compete with Gary any day of the week, side by side, on booking trips. But as far as having somebody say,

“OK, well, this person is going to be given this amount,” that then gives them an unfair advantage over me, which I would be one of those people to have the unfair advantage. I do not see the purpose in that. To me, it is just not right, it is not fair. So I do not support it.

Mr. SCOTT. Thank you for standing up for the rights of Americans that just want to fish. And you can laugh all you want to. I mean the bottom line is that this is about money, guys. That is all you all want. It is OK for me to go fish, as long as you get paid for it.

Mr. DeLaCruz, when you were allocated your catch shares, did you have to pay for them?

Mr. DELACRUZ. As a matter of fact, I did.

Mr. SCOTT. Did you?

Mr. DELACRUZ. I actually was a very small participant in the fishery. I bought my first reef fish permit in 2006, when I was commercially spearfishing.

Mr. SCOTT. You bought a permit, though. Did you—

Mr. DELACRUZ. I bought the Federal reef fish permit. It is a limited-access permit, so it had a certain amount of value. It was about \$8,000 or \$9,000, and that permit was going to allow me to catch about 1,500 pounds of fish a year.

I had to invest in the fishery, so I took out a second mortgage on my house, like any person in the world that is going to invest in a business does, and I went out and pursued—

Mr. SCOTT. I am going to ask real quick. What is 15,000 pounds—snapper sells for about \$4 a pound, right?

Mr. DELACRUZ. Well, no, no, no. I did not get 15,000, I got 1,500 pounds, and it was not snapper—

Mr. SCOTT. Fifteen hundred pounds.

Mr. DELACRUZ [continuing]. It was a mixture of fish across the thing. By the time that I had moved into the fishery, there actually was no snapper already allocated, it was grouper. So if you want to place a value on that, I promise you that the value that I spent was a lot more than what that permit was worth.

Mr. SCOTT. But today it trades per pound, right?

Mr. DELACRUZ. Yes, it trades—exactly. There is an allocation of assessed value, but it depends on whether you do that. I land most of those fish on the boats that I own. So myself, and then other people that fish for me, just like any other business.

Mr. SCOTT. But a high net worth recreational fisherman could go out and buy a commercial license and could buy commercial poundage, and could effectively go fish whenever he wants to. But the guy who is working on the assembly line, he is just out of luck.

Mr. DELACRUZ. Well, the guy working on the assembly line in Ohio is completely out of luck, because the only way he gets that product is when I send it to him. And he gets it about 9 days a year—

Mr. SCOTT. Nobody is trying take what you are doing away—

Mr. DELACRUZ. It is the same exact thing.

Mr. SCOTT. Nobody is trying to take what you are doing away from you, we are trying to get a reasonable fishing season back.

Mr. DELACRUZ. Well, the reasonable fishing season could be achieved in other manners.

Mr. SCOTT. The reason we have a 10-day season is because of the lawsuit that you filed.

Dr. FLEMING. Somehow I am going to regain control here.

[Laughter.]

Dr. FLEMING. Well, the gentleman's time is up, but if Members would like to have another 5 minutes each, and the panel is willing, we will be happy to have another round.

I have no further questions, so I will yield to Mr. Graves for another 5 minutes.

Mr. GRAVES. Great. Thank you, Mr. Chairman. I appreciate it.

It has been interesting, listening to folks talk about the importance of the fishery, the habitat and species, and sustainable management, overfishing, and all those things. Can you tell me—I would like to just, very briefly, have each one of you tell me something that you have done to improve the habitat, to improve the fishery, investments you have made, projects you have been involved in—could you all go through and explain those?

Mr. DELACRUZ. On the 15 boats that fish in my fishery, I have 4 boats that have a video monitoring system. We are working with Mote Marine Laboratories in Sarasota to actually try to understand our bycatch mechanisms, and how that happens, and how we can evolve it, and to see if we can actually move video monitoring into a full-scale system. It is actually the second time I have done it. I had it on four boats, then we changed the system and I moved it to three boats.

I also have four boats right now that I am working with NOAA specifically on that actually have electronic log books, where we are tracking our landings by spot, each and every spot, to develop a better understanding of what the carrying capacity is in the Gulf. The biggest toll on those stock assessments is we do not actually know how much bottom is usable to maintain the stock. So, we are helping solve that problem with both of those.

Mr. GRAVES. All right. Others? Let's go. Yes, sir—oh, I am sorry, Ms.—

Ms. BITTERMANN. At Red Fish Grill, one of our restaurants in New Orleans, which uses a lot of seafood, we have been working with the Gulf Wild Program, with the red snapper, so that we can actually trace it back to the fisherman who has caught it, and which boat it came off of.

Mr. GRAVES. To the fisherman. OK.

Ms. BITTERMANN. Yes.

Mr. GRAVES. Other folks? Very quickly, because I have a couple other questions.

Mr. JARVIS. I can tell you that fishermen across the country have supported taxes on themselves, on their tackle, on their gear that they buy—a lot of money—in the tune of \$1.5 billion to go back into habitat work and fishing enhancement projects around the country. So fishermen support the betterment of habitat all across the country through these very significant taxes.

Mr. CRESSON. Yes, Mr. Congressman, that is the point I was going to make, as well; we support the Fish and Boating Trust Fund that we all support and advocate for every year to make sure that we still have that funding coming back for conservation of the states. And I have been up to my knees in mud many times.

Mr. GRAVES. I understand. Thank you.

Ms. BITTERMANN, I met with the Louisiana Restaurant Association folks, and I find this whole just paradox that we are in interesting, because when I met with them, we had a great meeting. The restaurant guys talked about how the Federal Government—Department of Labor, specifically—is imposing all sorts of labor standards that are incredibly problematic and expensive. We talked about tax and depreciation issues—I think it was 219, or whatever it was—talked about Obamacare, the 30-hour work week, and the problems associated with that. Some of the wage mandates were the things that were discussed.

I do not remember—and, look, we sat down, had a lengthy discussion. I talk to Stan and a lot of your board members often. I do not remember a single thing coming up in regard to problems the state had. It was all major problems with the Federal Government. The Federal Government was making decisions that they had no business making, because they did not understand the conditions on the ground, they did not understand what it was like to own a business.

Yet, in this case, I find you in an entirely different perspective, in that you are standing here saying that you want the Federal Government to be involved. You want them to be involved in managing this fishery and this species. Can you reconcile that, versus the state?

Ms. BITTERMANN. Yes, sir. Thank you for the question, Congressman.

I would tell you, in this instance, that we have seen the management of the snapper fishery rebuild it, as we have seen in the past when the fishery has not been managed—for instance, for red fish, where it was overfished, and overharvested, and then became unavailable for commercial—

Mr. GRAVES. Which, I think it is important to note that, based on the information I have seen, the data I have seen, the overfishing and the lopsidedness came from the commercial side, not the recreational side in regard to the fishing.

Ms. BITTERMANN. Yes, sir. But I think that what you have seen with the red snapper is that the management of the fishery has worked. And, maybe, if they had had that management with red fish back in the late 1980s, then it would not have been overharvested, and we would still be serving wild-caught red fish in our restaurants.

Mr. GRAVES. Let me ask you a question. Under our bill, can the quotas or can the percentages—can the poundage for the commercial be increased, or can it only be decreased?

Ms. BITTERMANN. I am sorry, sir. Are you asking me?

Mr. GRAVES. Yes, I am.

Ms. BITTERMANN. I do not think I can answer that question.

Mr. GRAVES. Mr. DeLaCruz, can you answer that question?

Mr. DELACRUZ. Yes. It could definitely be increased, if the stock assessment was there. But one of the things that keeps getting missed in this conversation, is the fact that most of the state data collection is the input into the stock assessment, and the stock assessment process happens with oversight from state biologists. The head of the FWC sits on the committee that does the stock

assessment for red snapper. So our state is already vehemently involved. So, we are building a bill here that does not—

Mr. GRAVES. Mr. DeLaCruz, we had hearings in this committee last year and the year before, where folks sat here and acknowledged that the surveys that were being used to inform the fisheries management did not even include survey assessments around reef structures.

Mr. Cresson, would you care to comment on that? Also comment on the other earlier comment by Mr. DeLaCruz on the Council vote. All the accuracy to stock assessments.

Mr. CRESSON. Well, the fact is that the state science is light years better than the Federal science. And the Federal Government has acknowledged that. The states know it.

So, back to the original—there was a comment earlier about how the state seasons may have affected our eventual Federal season. In Louisiana, for instance, in the lengthened state season, we still did not hit the projected catch that the Federal Government used to set our 9-day season.

So, to your original—therefore, the state has now given us a few extra days in Louisiana because, even in 100-and-some-odd days, we did not get to the 800,000 pounds they projected we would catch in 9 days in Louisiana.

The bottom line is that everybody recognizes that the data is bad, that the Federal science is no good. It is part of why the reallocation happened two meetings ago. It is not because anybody was begging for more fish, it is because they recognized themselves that it needed to be reallocated, because the data that they used to set it in the first place was wrong. And that is it.

Mr. GRAVES. Thank you. Mr. Chairman, I want to thank you. In closing I just want to say this. What this bill does is it does exactly what is being allowed on the East Coast, it is being allowed in Alaska, it is being allowed on the West Coast. Louisiana is just as trustworthy—and I would actually say better resource managers, in some cases, than these other states are. To discriminate against the state of Louisiana is ridiculous.

I want to say this. All of you sitting in the room, you have great ideas on how to do this, I told you. The protections we have in there for commercial, I made them up because I could not get any feedback from you. You have better ideas on how to do it? Door is wide open, the phone works. Give me a call, shoot me an email.

We have the top commercial fisheries in the United States. We are one of the top tourist destinations. Your boss, Ralph Brennan, is a good friend of mine. I appointed him to a board when I was working for the state. I have no desire to shut down tourism or restaurants, or anything else.

But, I will also say the current management regime for the recreational fishery is absolutely unacceptable. We can find a better balance, and we can tailor the management strategy among the five states in a way that benefits both sides.

Thank you, Mr. Chairman.

Dr. FLEMING. OK. The gentleman yields back. I want to thank the witnesses—

Mr. GRAVES. Can I ask unanimous consent that five letters from each of the five Gulf states endorsing the legislation be included in the record of the hearing?

[No response.]

Dr. FLEMING. Without objection, so ordered.

[The letters submitted by Mr. Graves for the record follow:]

STATE OF ALABAMA,  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES,  
MONTGOMERY, ALABAMA 36130

September 23, 2015

Hon. Garret Graves  
*U.S. House of Representatives*  
204 Cannon House Office Building  
Washington, DC 20515

Dear Representative Graves:

On behalf of the Alabama Department of Conservation and Natural Resources (ADCNR), I am pleased to support H.R. 3094, the "Gulf States Red Snapper Management Authority (GSRSMÄ) Act."

Red snapper is one of the most valuable recreational and commercial fisheries to the State of Alabama. Orange Beach, Alabama, is well-known as the "Red Snapper Capital of the World." Even though Alabama has less than 5% of the Gulf of Mexico coastline, more than 30% of all red snapper caught in the Gulf of Mexico are landed in Alabama. The management of this most sought after species is of the utmost importance to our State. We have worked diligently through the Gulf of Mexico Fisheries Management Council and the National Marine Fisheries Service to sustainably manage red snapper. However, the current federal management system is not working.

The federal data collection methods currently being utilized, as well as the red snapper stock assessments and management strategies, have resulted in shorter and shorter seasons at the time when our state scientists, fisheries managers and fishermen feel that the stock is recovered and growing. Along with our counterparts in Mississippi, Texas, Florida and Louisiana, Alabama is confident that the five Gulf states have the ability to provide the data collection and assessments needed to better manage this fishery and improve access for anglers while maintaining a viable commercial red snapper fishery. The Marine Resources Division of ADCNR is in close contact with the recreational, charter and commercial fishermen on our coast and can better assess the needs of the fishery and respond accordingly to ensure access while sustainably managing this most valuable fishery.

Thank you for your work on this issue. I look forward to continuing to work with you, Representative Bradley Byrne from Alabama and the other members of Congress to provide relief to our fishermen and better sustainable management of the red snapper fishery.

Sincerely,

N. GUNTER GUY, JR.,  
*Commissioner.*

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION,  
TALLAHASSEE, FLORIDA

August 6, 2015

Hon. Garret Graves  
*U.S. House of Representatives*  
*204 Cannon House Office Building*  
*Washington, DC 20515*

Dear Representative Graves:

On behalf of the Florida Fish and Wildlife Conservation Commission (FWC), I am pleased to support H.R. 3094, the “Gulf States Red Snapper Management Authority (GSRSMA) Act.”

The Gulf of Mexico is one of America’s great natural resources. Tourists from the United States and the rest of the world flock to the Gulf of Mexico to enjoy everything it has to offer: world-class fishing, beautiful beaches, great food, and diverse wildlife.

Unfortunately, fishing for red snapper in the Gulf of Mexico is becoming more and more challenging for all parties involved because of the manner in which red snapper is being managed. This uncertainty and challenging environment is leading to increasingly more dissatisfaction for all.

GSRSMA is a step in the right direction for anglers and conservationists. By joining together with our colleagues in Texas, Louisiana, Mississippi, and Alabama, FWC believes the five states in the Gulf of Mexico are better equipped to manage the red snapper fishery, to establish and meet conservation goals based on sound scientific data, and to respond faster to the needs of all anglers.

Representative Graves, thank you for your leadership on this issue. FWC looks forward to working with you, Congressman Jeff Miller, your colleagues in Congress, and our colleagues along the Gulf to advance this legislation.

Sincerely,

NICK WILEY,  
*Executive Director.*

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STATE OF LOUISIANA,  
 DEPARTMENT OF WILDLIFE AND FISHERIES,  
 BATON ROUGE, LOUISIANA 70898

August 7, 2015

Hon. Garret Graves  
*U.S. House of Representatives*  
*204 Cannon House Office Building*  
*Washington, DC 20515*

Dear Representative Graves:

On behalf of the Louisiana Department of Wildlife and Fisheries (LDWF), I am pleased to support H.R. 3094, the “Gulf States Red Snapper Management Authority (GSRSMA) Act.”

Red snapper is an iconic American fish—it is well-known and appreciated by both residents and visitors of Louisiana, whether it is on the end of an angler’s line or on a diner’s plate at one of our fine restaurants. Both recreational and commercial fisheries for red snapper are extremely important to our economy and way of life. We should take great care in managing these fisheries for the benefit of all users. We should strive to have sound data to guide our management decisions and seek out solutions to ensure our fisheries are ecologically and economically sustainable.

As such, we are especially troubled with the current management of Gulf red snapper, namely management of the recreational fishery, as it continues to face challenges due to inadequate data and an inflexible, unresponsive management framework. The GSRSMA Act would address these challenges. Along with our colleagues in Texas, Mississippi, Alabama, and Florida, LDWF is confident the five Gulf states have the necessary tools to provide the data needed to better manage red snapper fisheries, improving access for recreational anglers while maintaining a viable commercial fishery. We are also more receptive and responsive to the wants and needs of our constituents while still addressing Gulf-wide conservation goals.

Representative Graves, we appreciate your leadership on this issue. LDWF looks forward to working with you, your co-sponsors and colleagues in Congress, and our colleagues along the Gulf to advance this legislation.

Sincerely,

ROBERT BARHAM,  
*Secretary.*

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STATE OF MISSISSIPPI,  
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES,  
BILOXI, MISSISSIPPI 39530

September 24, 2015

Hon. Garret Graves  
*U.S. House of Representatives*  
204 Cannon House Office Building  
Washington, DC 20515

Dear Representative Graves:

On behalf of the Mississippi Department of Marine Resources (MDMR), I am pleased to support H.R. 3094, the "Gulf States Red Snapper Management Authority (GSRSMA) Act."

Red snapper is a valuable recreational and commercial fishery in Mississippi. We have worked diligently through the Gulf of Mexico Fisheries Management Council and the National Marine Fisheries Service to sustainably manage red snapper. However, the current federal management system is not working or at best working too slow.

The federal data collection methods currently being utilized, as well as the red snapper stock assessments and management strategies, have resulted in shorter and shorter seasons at the time when our state scientists and fisheries managers believe the stock is recovered and growing. I am confident the five Gulf States have the ability to provide the data collection and assessments needed to manage this fishery and improve access for anglers while maintaining a viable commercial red snapper fishery. The MDMR hosted a Red Snapper Summit in May of 2014 and have remained in contact with the recreational, charter and commercial fishermen to ensure access while sustainably managing this most valuable fishery.

Thank you for your work on this important issue. I look forward to continuing to work with you, Representative Steven Palazzo from Mississippi and the other members of Congress to provide our fishermen the best opportunities and access to this valuable fishery.

Sincerely,

JAMIE M. MILLER,  
*Executive Director.*

TEXAS PARKS & WILDLIFE,  
AUSTIN, TEXAS 78744

October 20, 2015

Hon. Garret Graves  
U.S. House of Representatives  
204 Cannon House Office Building  
Washington, DC 20515

Re: H.R. 3094—Gulf States Red Snapper Management Authority Act

Dear Congressman Graves:

As Chairman of the Texas Parks and Wildlife Commission, I write to express my strong support for H.R. 3094, a proposed amendment to the Magnuson-Stevens Fishery Conservation and Management Act, for the purpose of transferring to the states of Alabama, Florida, Louisiana, Mississippi and Texas, the responsibility and authority to manage red snapper fisheries in the Gulf of Mexico.

Recent history has demonstrated that management of red snapper fishing in federal waters has been uncertain, arbitrary and has not been based upon sound science. Although the numbers of red snapper have dramatically increased in recent years, federal management has led to inequities and has made it difficult for the states to manage state waters. There can be little question that the current system has failed and caused significant dissatisfaction among red snapper anglers.

The proposed bill is a positive step that in my view, will be supported by conservationists interested in this fish. H.R. 3094 would require each of the five states to establish a science-based fishery management plan and then submit that plan for approval by each of the other four states. I believe that the state agencies who work with this fish in these waters are better equipped to manage the fishery and to establish and pursue conservation goals founded on scientific data. Each of the states is also able to move quickly when necessary to respond to any challenges that may arise in the fishery.

I look forward to working with you and your colleagues in Congress and our counterparts in the other four Gulf states, regarding this important bill. The mission of the Texas Parks and Wildlife Department is to manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations. I am excited about this bill and believe that it provides the best assurance that present and future generations of snapper anglers will enjoy improved red snapper fishing in the future.

Sincerely,

T. DAN FRIEDKIN,  
*Chairman.*

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Dr. FLEMING. I want to thank the witnesses today, and Members and staff.

Look, folks, this is a controversial issue. It has been controversial for some time. There are certainly some points of agreement. Number one is that we all want sustainability of the species. We want good management. We want good science. These are things that we all agree with. I hope that we agree that we want to keep all three sectors strong: the private anglers, the recreational people; the charter boat people, they have to have a minimum number of days in order to stay viable, as a business model; and, of course, the commercial fishermen, who are supplying our restaurants, which is so important.

Again, it is my hope, and certainly dream, for working as Subcommittee Chairman for a number of years now, that we can come together in a common solution.

But I do thank you for the work. We have had plenty of hearings in the past, I am sure we will have more. You are welcome back any time. Under Committee Rule 4(a), the hearing record will be held open for 10 business days for any responses that you may have to additional questions that we may provide to you in writing.

Therefore, without objection, we are adjourned.

[Whereupon, at 5:25 p.m., the subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

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## FISHING COMMUNITY COALITION

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CAPE COD COMMERCIAL  
**FISHERMEN'S  
ALLIANCE**  
Small Boats. Big Ideas.



Alaska Longline  
FISHERMEN'S ASSOCIATION



October 16, 2015

Hon. JOHN FLEMING, *Chairman*,  
Hon. JARED HUFFMAN, *Ranking Member*,  
*House Subcommittee on Water, Power and Oceans*,  
*Washington, DC 20515*.

Dear Chairman Fleming and Ranking Member Huffman:

The Fishing Community Coalition (FCC) is an association of community-based, small-boat commercial fishing groups, representing more than 1,000 independent fishermen and business owners from Maine to Alaska, who share a commitment to the sustainable management of America's fishery resources. The FCC was formed to strengthen and unify the individual voices of our member organizations.

Our fishermen work tirelessly to promote marine stewardship and thriving commercial fisheries within their communities and the FCC seeks to translate these regional efforts into a cohesive approach to achieving sustainable fisheries nationwide under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). That's why the FCC strongly opposes H.R. 3094—the "Gulf States Red Snapper Management Authority Act" (Act)—as it would exempt this fishery from the science and conservation requirements of the MSA.

All of our organizations have witnessed the successful recovery of fisheries in our own regions under the MSA, which requires managers to establish reasonable catch limits and accountability measures to prevent overfishing and ensure stocks rebuild in a timely manner. Under the MSA a total of 37 stocks have been successfully rebuilt and less than 10 percent of the nation's assessed fish stocks are now subject to overfishing. These successes were achieved through a science-based, transparent process involving all stakeholders, including communities of fishermen. We understand that the future of our nation's fisheries, as well as the fishermen and businesses they support, depends on maintaining commitments to end overfishing and rebuilding depleted stocks.

H.R. 3094 is a short-sighted and misguided effort to eliminate community participation in management decisions in order to prioritize near-term gains over the long-term success of the fishery. The plan undermines existing successful management plans for the commercial and charter sectors, and fails to provide sufficient detail on how the fishery would be better managed by the Gulf states and what measures would be taken to prevent sufficient transparency and end overfishing in the future. In fact, H.R. 3094 would allow nearly 10% of the commercial fishery to be eliminated each year, and while the Act proposes to keep commercial red snapper shares "intact" it does nothing to protect the commercial allocation upon which the shares are based. This uncertainty threatens the sustainability of the stock as well as the livelihoods of the fishermen and communities that depend on access to this fishery.

Adoption of H.R. 3094 would also set a dangerous precedent for fisheries management across the nation by allowing a group of states to circumvent the core national

conservation principles of the MSA in order to placate a single interest group. Nationwide, our organizations have worked constructively with sport and charter fishermen to ensure sustainable access for all fishermen and that fish stocks are not overfished because all fishermen, fishing communities and fishing business depend on robust fisheries.

As members of the FCC, we urge you to oppose this blatant effort to place one user group's interests over all others. The MSA established an open, inclusive management process to balance the interests of all user groups in allocation decisions. The law requires that decisions be fair and equitable so as not to disadvantage any particular group. H.R. 3094 is anything but fair and equitable as we believe it will result in significant harm and would open the door for complete elimination of the commercial red snapper fishery in the coming years.

Thank you for your consideration. We appreciate your show of support for fishing dependent communities nationwide by opposing this ill-conceived plan.

Sincerely,

**The Fishing Communities Coalition**

*Linda Behnken*  
Executive Director  
Alaska Longline Fishermen's  
Association

*John Pappalardo*  
Chief Executive Officer  
Cape Cod Commercial Fishermen's  
Alliance

*Ben Martens*  
Executive Director  
Maine Coast Fishermen's Association

*Shannon Carroll*  
Fisheries Policy Director  
Alaska Marine Conservation Council

*Eric Brazer*  
Deputy Director  
Gulf of Mexico Reef Fish  
Shareholders' Alliance



October 19, 2015

Hon. JOHN FLEMING, *Chairman*,  
Hon. JARED HUFFMAN, *Ranking Member*,  
House Subcommittee on Water, Power and Oceans,  
Washington, DC 20515.

Dear Chairman Fleming and Ranking Member Huffman:

The Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance) is a non-profit organization that represents the interests of commercial reef fish fishermen and other stakeholders in the Gulf of Mexico. By working closely with regional managers, state agencies, and federal representatives, we strive to stabilize and improve fishery management to ensure that we can continue to provide the American public with a sustainable source of domestically-caught Gulf of Mexico seafood. Everything we do is founded in our belief that conservation and stewardship protect fish populations and fishermen's businesses.

On behalf of the Shareholders' Alliance, please accept the attached documents that showcase our strong opposition to H.R. 3094—Gulf States Red Snapper Management Authority Act:

1. A July 2015 press statement from the Shareholders' Alliance opposing the multiple proposals attempting to legislate state management of red snapper in the Gulf of Mexico.
2. An April 2015 press release from the Shareholders' Alliance opposing this concept as it was announced.
3. An April 2015 commercial fishing organization sign-on letter coordinated by the Shareholders' Alliance with over 40 commercial fishing organizations from throughout the United States opposing this move and the federal precedent it sets.

H.R. 3094 is a threat to our fishing businesses, fishery jobs, and the fishing communities of the Gulf of Mexico. We also believe H.R. 3094 will jeopardize the strong rebuilding we've seen in the red snapper fishery in recent years. It creates loopholes that will undermine our businesses to the point where the commercial fishery could actually be eliminated, and raises questions of transparency, accountability, enforcement, and funding. The Gulf states do not have the best long term interests of commercial fishermen or seafood suppliers at heart, and we therefore ask to remain under federal management. Please do not advance this controversial, ill-advised, and precedent-setting proposal.

Thank you for your consideration of our position.

Sincerely,

ERIC BRAZER, DEPUTY DIRECTOR  
*Gulf of Mexico Reef Fish Shareholders' Alliance*

Attachments

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#### Attachment 1

##### **Official Statement of the Gulf of Mexico Reef Fish Shareholder's Alliance**

###### State Management of the Gulf of Mexico Red Snapper Fishery

The Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance) and the commercial fishermen and women we represent stand strong in supporting the sustainable federal management of our nation's commercial red snapper fishery. We are able to build stable, long-term business plans; we live within sustainable limits; and we can provide the American seafood consumer with sustainable, fresh, Gulf of Mexico red snapper. The commercial red snapper management plan is working.

That's why we cannot support any legislative attempt to strip the commercial red snapper fishery away from federal managers and turn it over to the Gulf states. This plan, developed by the fishery directors of the five Gulf states in a secret backdoor meeting without any fishermen allowed in the room, threatens to eliminate the commercial red snapper fishery and the of tens of thousands jobs it supports in order to bring fresh red snapper to your plates.

Our federal fisheries law, the Magnuson-Stevens Conservation and Management Act (MSA), requires that sustainable fishing limits be identified and adhered to, conservation be promoted and that unhealthy fish stocks be rebuilt to healthy levels. It is these protections that have helped bring red snapper back to some of the highest levels in recent history. Turning the commercial red snapper fishery over to the Gulf states through an act of legislation will allow them to undermine our federal fisheries law and sidestep these conservation protections. Over forty commercial fishing organizations from throughout the Nation, representing thousands of commercial fishermen and tens of millions of pounds of commercially important seafood, support us as we work to protect our businesses and consumer access to red snapper.

Legislating state management, whether in the form of Congressman Graves' proposed amendment to the MSA reauthorization (H.R. 1335), Congressman Graves' stand-alone amendment, Senator Vitter's "Gulf States Red Snapper Management Authority" Act (S. 105), or any other similar acts of lawmaking, is the wrong answer for fish and fishermen in the Gulf. We have an existing process for

developing fishery solutions in the Gulf of Mexico and that's done with a Congressionally-approved, stakeholder-driven, transparent Gulf of Mexico Fishery Management Council (Gulf Council). In fact, the Gulf Council is working on a state management plan right now, and the five Gulf states fishery directors are members of this Gulf Council. Let's create regulations where they're intended to be created—through a transparent, public, and accountable process; not behind closed doors and then imposed by politicians.

If state management is the right solution for private anglers, it should be established under federal law, promote conservation, and refrain from destabilizing our commercial businesses. Helping private recreational red snapper fishermen doesn't have to come at the expense of hurting hard working commercial fishermen and our families.

*The Gulf of Mexico Reef Fish Shareholders' Alliance is a non-profit organization that represents the interests of commercial reef fish fishermen and other stakeholders in the Gulf of Mexico. We work hard to maintain accountability and conservation-based management for our region's fisheries for today and future generations. By working closely with regional managers, state agencies, and federal representatives, we strive to stabilize and improve fishery management to ensure that we can continue to provide the American public with a sustainable source of domestically-caught Gulf of Mexico seafood. Everything we do is founded in our belief that conservation and stewardship protect fish populations and fishermen's businesses.*

[www.shareholdersalliance.org](http://www.shareholdersalliance.org)

For press inquiries, please contact: **Eric Brazer, Deputy Director**  
 Gulf of Mexico Reef Fish Shareholders' Alliance  
**(919) 451-1971/eric@shareholdersalliance.org**

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#### **Attachment 2**

FOR IMMEDIATE RELEASE  
 April 28, 2015

#### **Commercial Fishermen Throughout the U.S. Oppose Gulf States Red Snapper Takeover**

(Galveston, TX): Commercial fishermen throughout the United States have stood up and opposed the plan by the Gulf of Mexico state managers to take over red snapper management and eliminate the commercial quota system.

"It's incredible the response we've gotten," said Buddy Guindon, Executive Director of the Gulf of Mexico Reef Fish Shareholders' Alliance based in Galveston, TX. "From Alaska to Maine, California to South Carolina, our brother and sister commercial fishermen have united around this issue and see it for what it is—a precedent-setting backdoor means by the recreational lobby to reallocate this fishery, undermine federal laws, and take fish away from seafood consumers."

Forty-two commercial fishing organizations, representing thousands of commercial fishermen and tens of millions of pounds of commercially important seafood, signed onto a letter drafted by the Shareholders' Alliance which states, "The implications of such a takeover are far-reaching and set a dangerous precedent for our region and others—over 97% of the more than 300,000 million Americans get their access to fish and shellfish by purchasing it in restaurants, grocery stores, and fish markets that we supply. We cannot support this plan in the Gulf because we would not support it at home."

"This isn't just a Gulf issue, it has national implications," said John Pappalardo, CEO of the Cape Cod Commercial Fishermen's Alliance based in Chatham, MA. "We stand with the Gulf fishermen and oppose this dangerous plan that will destroy small American 'mom and pop' businesses."

According to an announcement, representatives from the five Gulf States met in a closed-door off-the-books meeting in New Orleans where they developed a plan to take over management of red snapper in the Gulf of Mexico and eliminate the commercial individual fishing quota (IFQ) system. The management responsibility, currently held by the Gulf of Mexico Fishery Management Council and National Marine Fisheries Service, would be turned over to a yet-to-be-developed group called

the Gulf States Red Snapper Management Authority, and would consist of 5 individuals, one from each Gulf State, that propose to operate outside of U.S. federal fisheries laws and sustainability policies. Each Gulf State would be responsible for management of their own waters out to 200 nautical miles, and would be in charge of creating the science and data to use for their management. Funding for this program would be siphoned from existing federal programs.

For press inquiries, please contact: **Eric Brazer, Deputy Director**  
 Gulf of Mexico Reef Fish Shareholders' Alliance  
**(919) 451-1971/eric@shareholdersalliance.org**  
 Website: [www.shareholdersalliance.org](http://www.shareholdersalliance.org)



October 20, 2015

Hon. JOHN FLEMING, *Chairman*,  
 Hon. JARED HUFFMAN, *Ranking Member*,  
*House Subcommittee on Water, Power and Oceans*,  
*Washington, DC 20515*.

Dear Chairman Fleming and Ranking Member Huffman:

We represent commercial and charter fishermen in the Gulf of Mexico and throughout the United States, and write to you today to voice our unified opposition to H.R. 3094 (Gulf States Red Snapper Management Authority Act).

Every year tens-of-millions of Americans enjoy fresh caught seafood from their favorite restaurants and grocery stores, and millions of tourists travel to the coasts for a day of fishing on charter boats. Fish and shellfish are public resources, and our four fishing industry organizations work hard to provide your constituents and the rest of the American public with sustainable access to the bounty of the Gulf of Mexico and other coastal regions of the nation. Here's who we are:

- The **Charter Fisherman's Association** (*Corpus Christi, TX*) represents charter captains from Texas to Florida that works to ensure American public access to fishing, to engage and represent the Charter for Hire industry, and to ensure long-term sustainability of our fisheries.
- The **Gulf Fishermen's Association** (*Clearwater, FL*) is the largest organization of offshore fishermen in the Southeastern U.S., with members in Texas and Florida, that strives to put healthy, sustainable seafood on America's table.
- The **Gulf of Mexico Reef Fish Shareholders' Alliance** (*Galveston, TX*) is an organization of commercial reef fish fishermen and other stakeholders from Texas to Florida that strives to stabilize and improve fishery management to ensure that we can continue to provide the American public with a sustainable source of domestically caught Gulf of Mexico seafood. Everything we do is founded in our belief that conservation and stewardship protect fish populations and fishermen's businesses.
- The **Seafood Harvesters of America** (*Washington, DC*) is a broadly based national organization that represents 17 commercial fishing organizations from the Gulf of Alaska to the Gulf of Maine south to the Gulf of Mexico. The Harvesters strive for accountability in our fisheries, encourage others to do the same, and speak out on issues of common concern that affect the U.S. commercial fishing industry, the stewardship of our public resources and the many millions of Americans who enjoy seafood.

Together, our organizations and the thousands of fishermen we represent have embraced science and management tools that promote conservation and sustainable fishing practices, reduce wasteful bycatch, operate safer and more stable small businesses, and protect fishing and shoreside jobs. We strive for sustainability, accountability, and access to some of the world's best seafood; and we do so through active and progressive campaigns that bring fishermen, stakeholders, and regulators together to solve problems.

H.R. 3094 poses a clear and imminent threat to our jobs, our fishing communities, and the red snapper resource that we have helped rebuild to some of the highest levels on record. Here's why we cannot support H.R. 3094 and any other similar legislation:

- **H.R. 3094 creates loopholes that will erode the commercial red snapper fishery and access to red snapper by millions of American consumers.** Commercial management of red snapper in the Gulf is a success story—overfishing was stopped, wasteful discarding was all-but-eliminated, and fishing businesses and jobs are profitable and stable. This is all due to the core conservation and management protections that are afforded to us under federal law (the Magnuson-Stevens Conservation and Management Act). Turning this fishery over to the Gulf states strips us of these protections and we have unanimously opposed this proposal every time it appears. We want to also point out that H.R. 3094 allows the Gulf states to take away nearly 10% of the commercial quota every year without conferring with the Congressionally approved and stakeholder-comprised Gulf of Mexico Fishery Management Council (Gulf Council). This doesn't just hurt commercial fishermen, it impacts the public because commercial fishermen don't keep what they catch—it goes to American seafood consumers who purchase red snapper from restaurants and grocery stores. To add insult to injury, H.R. 3094 deceives the public by claiming it will not change the individual fishing quota (IFQ) shares in this fishery. However, those who developed this language fail to point out that the "shares" are a percentage of the whole commercial allocation, and that any reduction in commercial allocation will reduce the quota associated with the shares.
- **H.R. 3094 undermines the management of the charter fishery and access to red snapper by millions of recreational fishermen who don't own a boat.** Charter fishermen strive to run successful small businesses and have spent years working toward management solutions with the Gulf Council that give them stability and the flexibility they need under federal fishery laws and conservation guidelines. These federally-permitted vessels operate in federal waters, and have been near-unanimous in their vocal support for federal management—they do not want to be managed by the Gulf states. They have worked too hard to build a better federal management system for their sector to have the rug pulled out from under them by H.R. 3094.
- **H.R. 3094 removes essential transparency and public input, and fails to provide necessary information.** The language in this bill was hatched from a plan that was developed by the five Gulf state fishery directors in a secret meeting with no fishermen informed or present. Rather than run this proposal through the Gulf Council—which is made up of fishery stakeholders and is legally required to allow for public input and review—the proposal is being imposed on the fishermen by Congress. This sounds like government overreach to us. In addition, through H.R. 3094, management authority for red snapper caught between the beaches of the Gulf of Mexico and the 200 nautical mile exclusive economic zone would be concentrated into the hands of 3 Gulf state fishery directors. Furthermore, H.R. 3094 only requires this new body to report performance to the Secretary of Commerce once every 5 years, whereas the current federally-managed commercial fishery can be publicly evaluated daily. H.R. 3094 also fails to explain how the fishery would be enforced, how the public will be allowed to participate, and how this plan would be funded.
- **H.R. 3094 fails to protect and continue to rebuild the red snapper population.** Federal law clearly lays out how unhealthy fisheries must be rebuilt to healthy levels using accountability measures and catch limits, and identifies the timeline by which this should happen. H.R. 3094 fails to explain how it will promote conservation and the long-term health of the red snapper resource. It only vaguely refers to "necessary measures" and "proper management" that would be implemented to rebuild the fishery.

- **Gulf of Mexico private recreational anglers have not proposed management system improvements for their own fishery that would extend their fishing season.** Gulf commercial and charter red snapper fishermen developed alternative management and catch reporting systems that have allowed them to extend their seasons without taking red snapper allocations from other fishing sectors. Instead of trying to steal red snapper allocations from the commercial and charter fishing sectors, private recreational anglers should develop their own management and reporting alternatives that would allow them to extend their season as well.
- **H.R. 3094 is a controversial, ill-advised, unfunded, and precedent-setting measure that would ripple from the Gulf of Mexico to Alaska and New England.** Over 40 commercial fishing organizations from throughout the U.S. have signed on opposing this plan to sidestep federal fisheries law and undermine the commercial red snapper fishery in the Gulf of Mexico. This is about more than red snapper—it's about protecting the small businesses that deliver our nation's seafood to the American consumer and providing sustainable access to this public resource to the millions of Americans who don't own a boat. This Bill undermines the Magnuson-Stevens Act and could set a dangerous national precedent that could unravel the successes of this landmark piece of legislation.

State management of red snapper is not the right solution for commercial and charter fishermen and they should not be forced into this form of regulation. If the private red snapper angler wants to be managed by the Gulf states, then let's do it the way it's supposed to be done—through the Congressionally approved Gulf Council, with a public and transparent stakeholder-driven process, under federal conservation requirements, and with the support of the private recreational fishermen themselves. H.R. 3094 is not the answer, and we hope you consider voting against this proposal.

Thank you very much for your time and thoughtful consideration of our position.

Sincerely,

*Shane Cantrell, Exec. Director*  
Charter Fisherman's Association

*Buddy Guindon, Exec. Director*  
Gulf of Mexico Reef Fish  
Shareholder's Alliance

*Glen Brooks, President*  
Gulf Fishermen's Association

*Brett D. Veerhusen, Exec. Director*  
Seafood Harvesters of America

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Hon. John Fleming, Chairman  
House Subcommittee on Water, Power and Oceans  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Fleming:

We write to you today as a unified group of commercial fishing organizations and seafood suppliers from throughout the United States that are concerned with what we see unfolding in the Gulf of Mexico. Specifically, we strongly oppose the push by the five Gulf states to take possession of the red snapper fishery through a legislative exemption to the Magnuson Stevens Act. This action sets a dangerous precedent for fishermen like us throughout the United States and the conservation measures we need to protect our fisheries.

According to the most recent report of fisheries economics of the United States, commercial fishermen in the U.S. harvested 9.6 billion pounds of finfish and shellfish in 2012, earning \$5.1 billion for their catch. Additionally, commercial fishing contributes 1.3 million jobs and \$141 billion in total sales to the economy of the U.S. The Gulf states' ploy directly threatens the seafood industry and our economic contribution to the nation by removing accountability to the Magnuson Stevens Act, failing to protect the commercial fishery, eliminating public involvement in the regulatory process, and prioritizing recreational fishing interests above all others.

The Gulf states' fishery directors hold five seats on the Gulf of Mexico Fishery Management Council, the body that oversees the implementation of the Magnuson Stevens Act. Time and time again these same individuals have voted against the interests of the commercial fishery. That, combined with their refusal to explain how they would manage the commercial fishery, and the admittance of at least one major private angler organization that the goal is to shut down the commercial red snapper fishery, should give every Member of Congress pause—it certainly raises concern with us.

The Magnuson Stevens Act requires fishermen to be accountable for what they catch and for fishery management plans to prioritize conservation measures. Without these protections, healthy fisheries can return to an overfished state and fisheries that need protection may not get it. This will hurt fishing businesses like ours, cause the loss of our fishing and shoreside jobs, and harm our fishing communities that rely on healthy stocks to survive. American seafood consumers will feel the sting of this impact as their healthy and sustainable seafood choices become limited and replaced by cheap imports or are fraudulently mislabeled.

The nation's supply of Gulf of Mexico red snapper will be threatened if the Gulf states take over the commercial red snapper fishery, exempt themselves from the Magnuson Stevens Act, and turn over this fishery to the recreational sector. The implications of such a takeover are far-reaching and set a dangerous precedent for our region and others—over 97% of the more than 300,000 million Americans get their access to fish and shellfish by purchasing it in restaurants, grocery stores, and fish markets that we supply. We cannot support this plan in the Gulf because we would not support it at home.

Thank you for your consideration. We appreciate your help in protecting commercial fishermen, the seafood supply chain, and seafood consumers throughout the United States by opposing this ill-advised, precedent-setting plan.

**Alaska Bering Sea Crabbers**

Mark Gleason, Executive Director  
Seattle, Washington

**Alaska Independent Fishermen's Marketing Association**

David Harsila, President  
Seattle, Washington

**Alaska Independent Tendersmen's Association**

Lisa Terry, Executive Director  
Petersburg, Alaska

**Alaska Longline Fishermen's Association**

Linda Behnken, Executive Director  
Sitka, Alaska

**Alaska Marine Conservation Council**

Kelly Harrell, Executive Director  
Anchorage, Alaska

**Alaska Trollers Association**

Dale Kelley, Executive Director  
Juneau, Alaska

**Alaska Whitefish Trawlers Association**

Bob Krueger, Executive Director  
Kodiak, Alaska

**American Bluefin Tuna Association**

Rich Ruais, Executive Director  
Norwell, Massachusetts

**Associated Fisheries of Maine**

Maggie Raymond, Executive Director  
South Berwick, Maine

**At Sea Processors Association**

Stephanie Madsen, Exec. Director  
Seattle, Washington

**California Sea Urchin Commission**

Dave Goldenberg, Executive Director  
Folsom, California

**California Wetfish Producers Association**

Diane Pleschner-Steele, Exec. Dir.  
Buellton, California

**Cape Cod Commercial Fishermen's Alliance**

John Pappalardo, CEO  
Chatham, Massachusetts

**Central Coast Seafood Marketing Association**

Rob Seitz, Vice President  
Morro Bay, California

<b>Commercial Fishermen of Santa Barbara</b> Chris Voss, President Santa Barbara, California	<b>Fish for America</b> Jim Zurbrick, Managing Director Stehnatchee, Florida
<b>Fishing Vessel Owners' Association</b> Per Odegaard, President Seattle, Washington	<b>Florida Keys Commercial Fishermen's Association</b> Bill Kelly, Executive Director Marathon, Florida
<b>Fort Bragg Groundfish Association</b> Michelle Norvell, Executive Director Fort Bragg, California	<b>Georges Bank Cod Fixed Gear Sector</b> Jim Nash, President Chatham, Massachusetts
<b>Gulf Coast Professional Fishermen</b> Wayne Werner, Co-Founder Alachua, Florida	<b>Gulf Fishermen's Association</b> Glen Brooks, President Lecanto, Florida
<b>Gulf of Mexico Reef Fish Shareholders' Alliance</b> Bubba Cochrane, President Galveston, Texas	<b>Gulf Wild</b> Jason DeLaCruz, President St. Augustine, Florida
<b>Half Moon Bay Groundfish Marketing Association</b> Lisa Damrosch, Executive Director Half Moon Bay, California	<b>Half Moon Bay Seafood Marketing Association</b> Geoff Bettencourt, Vice President Half Moon Bay, California
<b>Maine Coast Fishermen's Association</b> Ben Martens, Executive Director Topsham, Maine	<b>Maine Lobstermen's Association</b> Patrice McCarron, Exec. Director Kennebunk, Maine
<b>Massachusetts Lobstermen's Association</b> Beth Casoni, Executive Director Scituate, Massachusetts	<b>Midwater Trawlers Cooperative</b> Heather Mann, Executive Director Newport, Oregon
<b>North Pacific Fisheries Association</b> Malcolm Milne, President Homer, Alaska	<b>Northeast Fishery Sector 11</b> Jamie Hayward, President New Hampshire
<b>Northeast Seafood Coalition</b> Jackie Odell, Executive Director Gloucester, Massachusetts	<b>Penobscot East Resource Center</b> Kyle Molton, Policy Director Stonington, Maine
<b>Purse Seine Vessel Owner's Association</b> Bob Kehoe, Executive Director Seattle, Washington	<b>Rhode Island Commercial Fishermen's Association</b> Christopher Brown, Exec. Director Wakefield, Rhode Island
<b>Small Boat Commercial Salmon Fishermen's Association</b> Don Marshall, President Grass Valley, California	<b>South Atlantic Fishermen's Association</b> Matt Ruby, President Charleston, South Carolina

**Southeast Alaska Fishermen's  
Alliance**

Kathy Hansen, Executive Director  
Juneau, Alaska

**United Catcher Boats**

Brent Paine, Executive Director  
Seattle, Washington

**Southern Offshore Fishing  
Association**

Bob Spaeth, Executive Director  
Madeira Beach, Florida

**United Cook Inlet Drift  
Association**

David Martin, President  
Soldotna, Alaska

